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HUMAN RIGHTS COUNCIL
Third session
Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Intersessional open-ended intergovernmental Working Group on the
implementation of operative paragraph 6 of General Assembly resolution 60/251
established pursuant to Human Rights Council decision 1/104**

**SUMMARY OF THE DISCUSSION ON THE SPECIAL PROCEDURES
PREPARED BY THE SECRETARIAT**

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Introduction

1. By its resolution 60/251 of 15 March 2006, the General Assembly established the Human Rights Council (Council) and decided that it “shall assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, in order to maintain a system of special procedures, expert advice and a complaint procedure; the Council shall complete this review within one year after the holding of its first session” (paragraph 6).
2. At its first session held from 19 to 30 June 2006, the Council, by its decision 1/104 of 30 June 2006, decided “to establish an open-ended intergovernmental working group to formulate concrete recommendations on the issue of reviewing and, when necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities in order to maintain a system of special procedures, expert advice and a complaint procedure, in conformity with General Assembly resolution 60/251, through open-ended, inter-sessional, transparent, well-scheduled and inclusive consultations, with the participation of all stakeholders”, also called Working Group on the Implementation of operative paragraph 6 of General Assembly resolution 60/251. The Council decided that the Working Group shall have at its disposal twenty days (or forty 3-hour meetings) of fully serviced meetings. The Council also decided that informal consultations could begin immediately through an open-ended consultative process in order to compile proposals and relevant information and experiences, and to facilitate open-ended discussions appropriately scheduled by the Chairperson with the involvement of all stakeholders.
3. Pursuant to this decision, the President of the Council appointed three Facilitators: H.E. Mr. Tomas Husak, Permanent Representative of the Czech Republic to facilitate the component on special procedures (SPs); H.E. Mr. Mousa Burayzat, Permanent Representative of the Hashemite Kingdom of Jordan, to facilitate the component on expert advice and H.E. Mr. Blaise Godet, Permanent Representative of Switzerland to facilitate the component on complaint procedure. Also pursuant to this decision, four rounds of open-ended inter-sessional consultations were held respectively on 21 July, 7, 8 and 15 September 2006.
4. At the first part of its second session held from 18 September to 6 October 2006, the Council held a general debate on the Review of Mandates following the Facilitators’ oral reports on progress made since the convening of the above-mentioned informal consultations.
5. The present report summarizes the discussion on the special procedures of the first session of the Working Group (13-24 November 2006).
6. In accordance with Council decision 1/104, the Secretariat has posted on the Extranet page of the Council all contributions received, before, during or after the session of the WG, by States members of the United Nations (UN), non-member States and observers as well as non-governmental organizations (NGOs). This report is limited to the main points expressed by participants during the nine meetings allocated to this segment of the Working Group.

I. ORGANIZATION OF THE SESSION

7. The Working Group held its first session at the UN Office at Geneva from 13 November to 24 November 2006. There were a total of nine meetings on the special procedures (review of mandates); three meetings on the complaint procedure and two meetings on the Expert Advice. For the timetable of the Working Group, see annex I to the present report.

8. The meetings were attended by representatives of States members of the Council, observer States of the Council, observers of non-member States of the UN and other observers, as well as observers of UN entities, specialized agencies and related organizations, intergovernmental organizations and other entities and NGOs. The meetings were also attended by procedures mandate-holders Mr. Santiago Corcuera, Mr. Doudou Diène, Mr. Louis Joinet, Mr. Vitit Muntarbhorn, Chairperson of the Coordination Committee of the SPs; and Ms. Leila Zerrougui.

II. OPENING REMARKS BY THE FACILITATOR

9. In his opening statement, the Facilitator explained that the task of the WG was to review and, where necessary, to improve and to rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights as assumed by the Council in order to maintain a system of SPs, expert advice and a complaint procedure. He further noted that the review shall be completed within one year from the first Council session, namely by 30 June 2007.

10. The Facilitator further considered that SPs have proved to be an essential instrument of the UN human rights machinery through monitoring and essential remedial action and in providing timely responses to human rights violations. He stated that the review may not allow for a protection gap.

11. The facilitator also indicated that the reform shall be conducted with a view to improve and strengthen the system of SPs by reinforcing the independence, impartiality and expertise of mandate-holders, ensuring cooperation by States and adequate follow-up of recommendations, enhancing interaction with other UN human rights mechanisms and by striking a proper balance between both sets of rights, civil and political as well as economic, social and cultural rights, including the right to development.

12. To this end, the Facilitator set out a strategy for the meetings highlighting the review objectives, timeline, contents of the discussion, improvement and strengthening of the system, methodology or general criteria, size of a future body of SPs, and the scope or focus of mandates, especially those known as “country mandates”. He emphasized his determination to continue negotiations with a view to improving the prevention of violations of human rights and the protection of victims all around the world. He also reiterated that no effort shall be spared to achieve consensus in this essential endeavour.

13. The facilitator submitted a non-paper entitled ‘Topics for discussion’ dated 8 November 2006. The discussions at the meetings on 13 November dealt with the

first two points as outlined in the document. The facilitator submitted revised versions of the document on 13 and 16 November 2006, which served as the basis for the remainder of the meetings.

14. The revised version of the non-paper dated 16 November 2006 is attached in Annex II. The following summary is based on the eight topics for discussion as outlined in the document.

III. GENERAL DISCUSSION

1. Selection and appointment of mandate holders

15. The above-mentioned topic relates to point 1 in the non-paper dated 16 November 2006 submitted by the Facilitator.

16. Many delegations considered that expertise, integrity, independence and impartiality are of paramount importance in the selection of mandate-holders. Some delegations highlighted that mandate-holders shall be identified among experts while ensuring equitable geographic distribution and gender balance. Other delegations underlined that equitable representation of all legal systems and cultures as well as religious values should equally be ensured.

17. With respect to term limits, the majority of delegations considered that mandate-holders shall serve for a maximum of two consecutive 3-year terms and that an individual shall only be eligible for re-assignment to other mandates after a lapse of at least three years. Some delegations also stressed that mandate-holders should exercise only one human rights mandate or a UN mandate at a time and avoid all possible conflicts of interests, including those originating from private commercial activities. Some delegations and the Chair of the Coordination Committee of SPs considered that no mandate-holder shall at the same time be a member of the executive or legislative branches of a Government. Other delegations excluded those who are staff member of an NGO or of the governing body of an advocacy group in the area of the mandate.

18. Different views were expressed on the procedure for the designation of mandate-holders. A number of delegations considered that mandate-holders should be directly elected by the Council in order to ensure transparency and direct involvement of Member States. Other delegations maintained that the mechanism of election may involve a risk of politicization, thereby not guaranteeing full independence of mandate-holders. Some delegations supported the appointment of mandate-holders by either the President of the Council, the High Commissioner for Human Rights (HC) or the UN Secretary-General. It was suggested that candidates could be appointed from among a roster of qualified experts, nominated by the HC, Governments, NGOs, regional groups or other human rights bodies, as well as experts and interested individuals. It was further suggested that the roster could be maintained by the Office of the High Commissioner for Human Rights (OHCHR), updated regularly and made available through the OHCHR's website. It was also suggested that an Advisory Panel could assist the designating authority in the pre-screening of candidates. Different views were expressed on the composition of such a proposed advisory body, i.e.

representatives of Member States, representatives of the Coordination Committee of the SPs, former mandate holders, NGOs and OHCHR.

19. A proposal for a “hybrid model”, compromising elements from both, election and appointment procedures, was also advanced. According to this option, the Council would elect mandate-holders from among a list of five to six candidates identified from the roster by the President of the Council in consultation with regional groups.

2. Review, rationalisation and harmonisation of mandates: general criteria

20. The above-mentioned topic relates to point 2 in the non-paper dated 16 November 2006 submitted by the Facilitator.

21. Some delegations requested that reference to priority areas such as accountability of mandate-holders to the Council, rules of engagement (including ethics, obligations and rights), introduction of a system of evaluation, respect for the principle of non-selectivity and avoiding double standards, development of a constructive dialogue (with the State concerned and among all relevant stakeholders), be included in the framework for further discussion. These points were included in the revised non-papers submitted by the Facilitator on 13 and 16 November 2006.

22. The principles of indivisibility, interdependence and universality of human rights, and balance between civil and political as well as economic, social and cultural rights, including the right to development, were recognized. Some delegations considered that efforts should particularly be oriented towards the promotion and the effective enjoyment of all human rights, including through capacity-building measures. Some other delegations noted that representation of all legal systems and cultures should be mentioned as selection criteria for mandate holders.

23. It was also stated that the review and rationalization of mandates should preserve the independence of SPs and aim at achieving greater coherence of the system. To this end, some delegations proposed, *inter alia*, to harmonize existing mandates; to promote more effective coordination among them, as well as between SPs and other UN human rights mechanisms; to avoid selectivity; and to ensure appropriate and equal support by OHCHR to all SPs. In order to facilitate the review, the OHCHR was requested to prepare a table compiling background information on all existing mandates. This document was subsequently distributed to all Permanent Missions by note-verbale of 24 November 2006.

24. On the question of thematic and country mandates, different opinions were expressed. Some delegations stated that country-mandates were the most politicized aspect of the former Commission on Human Rights and proposed that such mandates be terminated. In their view, there was no need for such mandates in view of more appropriate mechanisms for the examination of country specific situations, such as the universal periodic review (UPR) and the special sessions of the Council. The mandate on the human rights situation in the Occupied Palestinian Territories (OPT) should nevertheless be maintained until the end of the occupation. Several delegations

highlighted that country-mandates have played an important historic role and contributed to improving the human rights situation on the ground. Therefore both country and thematic mandates should be maintained. Some delegations noted that equal treatment should be accorded to all country-mandates, including the mandate on the OPT. In the opinion of some delegations, a distinction between thematic and country mandates was a matter of classification, since a thematic mandate can also have a specific focus on a country situation. It was suggested by several delegations that country-mandates could be established under exceptional circumstances, e.g. gross and systematic violations of human rights. It was noted that the criteria in this respect need to be further defined and discussed.

25. Different views were expressed on the issues of proliferation of mandates and the need for avoiding duplication. In the view of several delegations, some overlap between existing mandates was unavoidable due to the interrelatedness of human rights. While duplication could be reduced, efforts should also be made to identify gaps in the coverage of the system. Several mandate holders noted efforts by SPs to enhance coherence and coordination, including through the establishment of the Coordination Committee, and stressed the need for focusing on protection gaps. Several delegations noted the need to avoid overlap and favoured a one-by-one review of existing mandates.

26. Some delegations argued that any rationalization of mandates should not be seen in negative terms but rather as an effort to provide for greater effectiveness of the system. To this end, it was suggested that some mandates could be merged and others transformed. For example some mandates could be covered by more than one expert or by groups of mandate holders. Several delegations highlighted the importance of preserving the specificities and peculiarities of mandates. Some delegations were also in favour of consulting with mandate-holders. A representative from the Coordination Committee of the SPs expressed the view that any merger or other transformation of mandates should be done in consultation with the mandate-holders. In the case of such mergers or transformations, the mandate-holder suggested that mandate-holders be given the possibility to submit longer and more articulated and detailed reports on their activities.

27. On the creation of new mandates, some delegations preferred to define specific criteria for their establishment. Others stressed possible difficulties in relation to the adoption of strict criteria and argued that the creation of new mandates should be based on concrete situations and needs. Some delegations pointed out that if criteria were to be established, the Council should remain flexible in order not to limit its possibilities of action.

28. With regard to the unification of terminology, many delegates were in favour of harmonizing terminology. It was confirmed that in spite of different nomenclature, all mandates enjoy the same legal status. One delegation, while in favour of a unified terminology, noted that existing terminological differences related to differences in the appointment procedure, as well as to historical differences in their consideration under different agenda items of the former Commission on Human Rights. One delegation proposed that only the title of Special Rapporteur or Working Group be maintained. Other delegations considered that, since the Council is part of a wider UN system, a variety of designations such as Special Representative, Special Rapporteur or Independent Expert could be maintained.

3. Achieving coherence and proper coordination between the mandates

29. The above-mentioned topic relates to point 3 in the non-paper dated 16 November 2006 submitted by the Facilitator.

30. Many delegations noted and expressed their satisfaction at the improvement of the level of coordination of the work of the SPs as well as regarding the efforts of harmonization of their working methods, especially since the creation of the Coordination Committee. The efforts made by OHCHR to provide substantive support to the work of the SPs and to facilitate the coordination between mandate-holders were also acknowledged. There was however general agreement on the need to further improve coherence of and coordination between the various mandates while preserving and reinforcing the independence of the mandate-holders.

31. Some delegations considered that it would be necessary to further develop working methods, common to all mandate-holders, in particular with regard to country visits, relations of mandate-holders with States, the media and other rights-holders. Different points of view were expressed concerning the draft manual of the UN human rights SPs, as well as on the proposed elaboration of a code of conduct for mandate-holders. Several delegations welcomed the initiative by mandate-holders to circulate the draft manual and invited comments by all stakeholders. Some considered that the WG should comment on the manual. Some delegations considered that it was the prerogative of the Council to elaborate a code of conduct and to approve and adopt the manual. Other delegations considered it more appropriate to leave this to the mandate-holders and their Coordination Committee. Some delegations and all mandate holders noted that the manual would suffice as a tool for self-regulation. Some delegations and mandate-holders noted that any code of conduct should also include regulations for the conduct of States. Some delegations pointed to the existence of "Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Official, and Experts on Mission", adopted in 2002 by the General Assembly (ST/SGB/2002/9). It was noted that this document is applicable to SPs mandate holders who are considered UN experts on mission. Some delegations felt that it was sufficient to ensure the independence of the mandate-holders on the one hand and their accountability on the other. Others felt that it contained insufficient regulations on accountability. Mandate-holders pointed out that SPs do not operate in a legal vacuum, as their conduct is framed by these regulations as well as other documents adopted by the Commission on Human Rights, including the Terms of Reference for fact-finding missions. It was noted that these documents are annexes to the draft manual.

4. Relationship with the Human Rights Council

32. The above-mentioned topic relates to point 4 in the non-paper dated 16 November 2006 submitted by the Facilitator.

33. Most delegations stressed that the effectiveness of the system would be determined by the level of transparency of the relations of SPs with the Council on the one hand and the level of preserving the independence of mandate-holders on the

other. A number of delegations asserted that SPs reports, as well as all communications addressed to States, should follow a more standardized format, in order to facilitate both the work of the State concerned and a comparative analysis of situations.

34. It was reiterated that SPs reports should be based on credible and reliable information. Many delegations noted the need for transmission to the Government concerned before publication. Some argued that it should reflect all observations made by Governments. A number of delegations noted that reports should be constructive, include realistic and practical recommendations, and also cover any measures taken by the State in question and focus on technical cooperation and capacity-building needs. A number of delegations were of the opinion that mandate-holders should enjoy considerable margins of flexibility in drafting their reports so as to reflect the specificities of their mandates, as well as the different issues examined.

35. Several delegations recommended that the Council periodically evaluate the mandate-holders' performance. Some noted that this should be done without exercising a restrictive control on their actions. A few noted that the Council should have the possibility of disciplining mandate-holders if necessary. As to the evaluation of the reports, some delegations expressed their preference for a periodic consideration by the Council throughout its regular sessions. In the opinion of some delegations, mandate-holders should have regular access to the Council, whenever they consider it necessary. A number of delegations stated that the Council should consider the reports only during a specific session of the year, and that mandate-holders should appear before the Council only upon invitation by the President, in agreement with the Council. Several delegations noted the need for regular interactive dialogue with mandate-holders, and some stated that the arrangements at the second session of the Council were a good practice.

36. Many delegations noted the need for the Council and mandate-holders to focus on the follow-up to recommendations. Several stressed that the recommendations made by SPs should be appropriately reflected in relevant Council resolutions as well as in other follow-up actions undertaken by the Council. A number of delegations suggested that the follow-up of recommendations could be conducted within the context of the UPR. Some delegations pointed out that the likely limited periodicity of the UPR would not be appropriate for providing a timely response to urgent situations and human rights violations.

5. Cooperation by and with Governments

37. The above-mentioned topic relates to point 5 in the non-paper dated 16 November 2006 submitted by the Facilitator.

38. There was general agreement as to the paramount importance of cooperation between States and SPs for the effectiveness of the system as a whole.

39. Some delegations stressed the obligation of all States to cooperate with SPs and emphasized that States members of the Council should demonstrate an exemplary commitment. The drafting of a compilation of good practices on cooperation between

States and SPs was suggested. Several delegations noted the importance of issuing standing invitations to mandate holders. Some delegations proposed the public dissemination of this information, including a list of responsive and non-responsive States, through the OHCHR website. Some delegations maintained that there was no obligation for States to cooperate with all SPs, and that standing invitations would not necessarily constitute evidence of effective cooperation.

40. Some delegations underlined that States who cooperated with SPs should not be subject to greater scrutiny than those that did not cooperate. An interactive dialogue held in a constructive, non adversarial manner and focused on technical cooperation and capacity-building should instead guide the discussions between the Council and the mandate-holders. Mention was made of the need to assess the level of cooperation of States in an objective, impartial and non-politicized manner. The HC and/or the Coordination Committee of SPs could play a role in this regard. A number of delegations stressed that cooperation between States and mandate-holders shall be based on mutual respect and stated the need for further guidance on this matter. Mandate-holders stressed that States should consider scrutiny by SPs as an opportunity to consider account constructive criticism.

41. Some delegations emphasized that mandate-holders should preserve their independence, autonomy, integrity and objectivity, while ensuring strict adherence to the scope of their mandates, avoiding any conflict of interests and respecting domestic legislation. Several delegations stated that mandate-holders should draw on various sources of information and verify the accuracy of the information. Some stated that SPs should consider only material supported by a minimum standard of evidence, and that mandate-holders should refrain from releasing statements to the press, before having provided an opportunity to the concerned State to examine the accuracy of the facts.

42. Some delegations supported the further standardization of communications. All communications should be drafted in a standard format and dispatched through the diplomatic channel of Permanent Missions in Geneva. Some delegations considered that, in urgent cases, mandate-holders should have the possibility to directly communicate with government officials. The need to define the meaning of “urgent” was discussed.

6. Relation between the mandate-holders and with the other human rights mechanisms and actors

43. The above-mentioned topic relates to point 6 in the non-paper dated 16 November 2006 submitted by the Facilitator.

44. Several delegations noted that cooperation and coordination between mandate-holders and other human rights mechanisms was essential for the effectiveness of the SPs system, particularly to avoid duplication. Joint reports or missions, and relevant guidance of the Coordination Committee, were highlighted and encouraged by several delegations. One delegation, referring to the Manual, noted the recommendation that mandate-holders should always work together whenever issues were connected. While it was generally acknowledged that the Coordination Committee could play a

significant role in enhancing cooperation, views were also expressed that mandate-holders should coordinate among themselves at their own initiative. One delegation added that the Coordination Committee should remain an informal body with no need for the Council to define its working methods or procedures.

45. With regard to UPR, several delegations were of the view that the SPs, in particular their recommendations, could serve as a source of information or even the basis of the review. Additionally, it was suggested that UPR could serve as a tool to more efficiently follow-up and ensure implementation of the SPs' recommendations. One delegation specified, however, that only the recommendations of thematic mandates should be considered in this respect. Another indicated that mandate-holders should not participate in the review dialogue with States. It was also stated that the issue should be studied further after the conclusion of the review of mandates process and the work of the WG on the UPR.

46. It was noted that the future complaint procedure could also benefit from the input of the SPs. Several delegations, however, emphasized the need to preserve the confidentiality of the complaint procedure. In this regard, it was stated that only the outcomes arising from the procedure should be made available to the SPs and that communications or cases under consideration should not be shared.

47. Different views were expressed as to the possible relationship between the SPs and the treaty bodies. Some delegations considered that mandate-holders should directly interact and participate in the work of the treaty bodies. In this regard, it was suggested that information sharing between SPs and treaty bodies could be enhanced. It was also suggested that mandate-holders should have the possibility to request information from treaty bodies or to request that the HRC be briefed whenever necessary. One delegation proposed that possible duplication could be avoided through the forging of closer links between the Coordination Committee and the Inter-Committee Meetings of treaty bodies. Others were not supportive of any direct linkage as such. One delegation noted that overlap between mandate-holders and treaty bodies covering similar issues should be avoided. Other delegations considered that due to the difference between mechanisms and their structures and procedures there was no danger of duplication of efforts.

7. Organization and Logistics – support to the Special Procedures by the Office of the High Commissioner for Human Rights

48. The above-mentioned topic relates to point 7 in the non-paper dated 16 November 2006 submitted by the Facilitator.

49. Several delegations and mandate-holders noted with satisfaction increased support by the OHCHR to SPs. Several delegations stressed that OHCHR should provide additional financial and logistical support to all mandates in an equal and balanced manner. In this regard, it was also proposed that the SPs should be financed to the greatest possible extent through the regular budget of the UN. In the view of another delegation, an increase in the financial resources available to the SPs would have positive impacts, *inter alia*, through an increased number of country visits. Clarification was provided by an OHCHR representative on measures taken to

increase financial and human resources in the context of enhancing equal and equitable support to mandate-holders and the Coordination Committee, as well as streamlining communications, including through the Quick Response Desk.

50. Several delegations emphasized the need for highly-qualified and professional staff to assist mandate-holders. Some noted that such staff should be regular and permanent. Many delegations highlighted the need to ensure equitable geographic representation; others invoked an equitable representation of diverse legal systems, cultures and religions, in the staff supporting the SPs. One delegation noted that such regulations would be in direct contradiction with the UN staffing regulations which provides for equitable geographic representation and gender balance but not equitable representation of legal systems, cultures and religions. An OHCHR representative clarified further elements of the system, including the need for promotion and regular rotation of staff.

8. Other issues related to working methods

51. The above-mentioned topic relates to point 8 in the non-paper dated 16 November 2006 submitted by the Facilitator.

52. Remarks were also made by several delegations on the need to facilitate coordination with other UN bodies and mechanisms, particularly at the field level and including UN country teams. Such interaction was seen as a means of enhancing the visibility of the SPs system and of ensuring follow-up to their recommendations. Several delegations highlighted the need to consider an appropriate division of labour between different mechanisms, taking into account different functions, with a view to establishing coherence in the entire system. In this regard, the role of OHCHR in transmitting and sharing information between different mechanisms was highlighted. Additionally, one delegation was of the view that the reports of the SPs should be made available to the Security Council and to the Third Committee of the General Assembly. Mandate-holder stressed the need for considering the SPs as part of the wider system of UN mechanisms, and proposed enhanced cooperation with other bodies, including through information sharing and briefings for the Security Council, the General Assembly, the Peacebuilding Commission and others.

53. The discussion also addressed the possible interaction with NGOs and the media. A number of delegations proposed the preparation and adoption of specific guidelines in this regard. Several delegations and mandate-holders expressed the view that NGOs should be considered one of the principal partners of the SPs and gave examples of their role in awareness-raising, providing information and follow-up. It was noted, however, that greater interaction and cooperation by both SPs and the Council with NGOs from developing countries was necessary and should be encouraged. Moreover, some delegations underlined the need for strengthened interaction with National Human Rights Institutions.

IV. CLOSURE OF THE SESSION

54. At a joint meeting convened by the President of the Council on Friday, 24 November 2006, the two Working Groups heard oral presentations by the respective Facilitators outlining their preliminary reflections on the discussions held during the session. It was announced that preliminary conclusions highlighting areas of convergence and areas requiring further reflection and discussion would be prepared under the responsibility of the Facilitators and circulated to all delegations on Wednesday, 29 November 2006. It was also announced that a summary of the discussion would be prepared by OHCHR and circulated to delegations.

55. The Working Group thus concluded its first session.

Annex I

Timetable for the Working Groups of the Council (13 to 24 November 2006)

	Morning	Afternoon
Monday 13 November	Review of mandates	Review of mandates
Tuesday 14 November	Review of mandates	Review of mandates
Wednesday 15 November	-----	-----
Thursday 16 November	Complaint procedure	Review of mandates
Friday 17 November	Complaint procedure	Review of mandates

Monday 20 November	Universal Periodic Review		Universal Periodic Review
Tuesday 21 November	Expert advice		Expert advice
Wednesday 22 November	Review of mandates		Universal Periodic Review
Thursday 23 November	Universal Periodic Review	Review of mandates	Complaint procedure
Friday 24 November	Review of mandates		Wrap-up session chaired by the President on the two WGs

Annex II

Review of Mandates

Topics for discussion (Revised version of 16/11/06)

1. Selection and appointment of mandate-holders

- criteria for mandate-holders, such as qualification, independence, impartiality,
- equitable geographic representation,
- representation of all legal systems, **different cultures and event. religions,**
- gender balance,
- **procedure of nomination (nominations by the OHCHR, HR bodies, Governments, NGOs**
 - + **spontaneous nominations),**
- procedure of setting in office, pre-evaluation by an advisory board?,
- election by the HRC or designation by the President of the HRC upon consultations with regional groups, or other systems?
- term limits (**2 consecutive terms?**), non-cumulation of functions at a time and reappointments
(after 3 years?);

2. Review, Rationalisation and Harmonisation of Mandates: General Criteria

- **means of improving universality of human rights,**
- proper balance between civil, cultural, economic, political and social rights **and the right to development,**
- prospects for increased **enjoyment of human rights and** level of human rights protection,
- addressing both the thematic and country issues,
- **accountability of actors as a precondition of ensuring human rights,**
- areas of priority attention for thematic mandates,

- what are the situations that merit attention at the country level (**violations of human rights, including, gross and systematic violations – responsibility to ensure protection**),
- assessment and avoidance of unnecessary duplication,
- criteria for establishment of mandates,
- merger or adjustment of mandates, reflecting on their content and workload,
- unification of terminology (**Special Rapporteurs and Special Representatives?**),
- evaluation of gaps (**e.g. right to freedom of assembly, to vote, to development, to work, to dignity without poverty, minority rights**);

3. Achieving coherence and proper coordination between the mandates

- mechanism to assess a need for a mandate,
- standardisation and coordination of working methods while reflecting on the specific features of
individual mandates,
- SP manual **and the contributions thereto**,
- Regulations governing the Status, Basic Rights and Duties of Officials/Code of
Conduct, **Improvement of Responsibilities** etc.
- role of the Special Procedures **mandate-holders** in streamlining a system (inputs by the
Coordination Committee);

4. Relationship with the Human Rights Council

- format, structure and **timeliness** of reports to the HRC,
- guiding role of the HRC,
- submission of information and preparations of reports,
- consideration of reports and follow-up to recommendations,
- interactive dialogue, cluster approach,
- regular access to the HRC and written and oral updates;

5. Cooperation by and with Governments

- format and presentation of urgent appeals and other letters of allegation,
- sources of information,

- replies to allegation letters and requests for information,
- responses to urgent appeals and implementation of recommendations,
- standing invitations, acceptance to visit and unhindered access,
- *follow-up* to recommendations and visits,
- evaluation of cooperation;

6. Relation between the mandate-holders and with the other human rights mechanisms and actors

- cooperation and sharing observations between the different mandate-holders,
- relation between the UPR and complaint procedure and the Special Procedures,
- means of addressing thematic issues
- interaction with the treaty bodies and NGOs;

7. Organisation and Logistics - Support to the Special Procedures by the OHCHR

- qualified, independent and long-term personnel,
- adequate financing from the regular budget,
- improving quality of compilation of the reports, taking into account the views of concerned states,
- administrative improvements - Quick Response Desk and sharing the information
- monitoring of follow-up;

8. Other Issues Relating to Working Methods

- interaction with other UN bodies and its country-teams,
- cooperation with regional organisations,
- cooperation with NGOs,
- annual exchanges with states,
- raising awareness, media presentation of a system,

- presentation of examples of cooperation and non-cooperation;

A Review of individual mandates:

A) An overall assessment of the contents and focus of individual mandates

- background documents by the OHCHR, in a form of chart or matrix, comparing the mandates, their focus and functioning;

B) Defining the gaps and overlaps

- examples of thematic gaps: environment, prison conditions, child labour, freedoms of

association, assembly and their limits etc.,

- overlaps of mandates and parallel measures;

C) Recommendations to streamline the working methods or individual mandates

- to avoid duplication and safeguard appropriate attention to all the rights and freedoms;