

Revised version for 8th meeting, 18-22 June 2001

Manual for Special Rapporteurs/Representatives / Experts
and Chairpersons of Working Groups of the special procedures of the Commission on Human
Rights and of the advisory services programme¹

June 1999²

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 6	3
II. APPOINTMENT	7 - 8	4
III. MANDATE	9 - 15	4
IV. METHODS OF WORK	16 - 31	5
A. Source of information	19 - 20	6
B. Admissibility of communication	21 - 22	6
C. Communication with Governments	23 - 26	7
D. Urgent Appeals	27 - 28	7
E. Preparation of the reports	29 - 30	8
F. Cooperation with the Secretariat	31	8
V. MISSIONS	32 - 49	8
VI. <i>RELATIONS WITH NON-STATE ENTITIES</i>	<i>50 - 53</i>	<i>11</i>
VII. RESOURCES	54 - 60	12
VIII. LEGAL STATUS	61 - 74	13
A. Privileges and Immunities	61 - 71	13
B. Question of Insurance	72 - 74	16
IX. COORDINATION AND COOPERATION BETWEEN PROCEDURES, FIELD OPERATIONS AND TREATY-BODIES	75 - 99	16
A. Coordination between Special Procedures....	78 - 84	17
B. Cooperation with field presences	85 - 93	19
C. Cooperation with treaty bodies	94 - 99	20
X. COMMISSION ON HUMAN RIGHTS.....	100 - 121	21
A. Functions	103 - 106	22
i) Standard setting	103	22
ii) Protection against human rights violations	104	22

¹The term Special Rapporteur will be used in this Manual in a generic sense to include Special Rapporteurs/Representatives / Independent Experts and Chairpersons of Working Groups of the special procedures of the Commission on Human Rights and of the advisory services programme.

²The present draft manual has been prepared and revised pursuant to a request by the participants of the first, second, fourth and fifth meeting of the Special Rapporteurs. It was adopted by the 6th meeting. It constitutes an intent to provide in a succinct manner guidelines to mandate holders of the Commission on Human Rights for the exercise of their functions. These guidelines are based on provisions of relevant treaties as far as legal aspects are concerned, on decisions by policy-making organs and on the practice that has been developed by the special procedures system over the years. This practice has been explicitly or implicitly endorsed by the Commission on Human Rights. The manual does not claim to be complete, and it is intended to be updated in the light of further developments and comments or suggestions received by Special rapporteurs.



GE. * 2 0 0 1 0 4 2 4 3 3 *

ENG

iii)	Promotion of human rights	105 - 106	22
B.	Session	107 - 120	23
i)	Agenda	110 - 111	23
ii)	Oral statements by special rapporteurs, debate, adoption of resolutions	112 - 120	23
C.	THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS	121	25

I. INTRODUCTION

1. Prior to 1967 the Commission on Human Rights (CHR) had taken the view that it was not competent to deal with specific situations relating to violations of human rights, and therefore, the Commission had taken no action with regard to specific situations.
2. In 1967 the Economic and Social Council (ECOSOC) took a decision of principle that in certain situations the Commission and the Sub-Commission might take action concerning complaints in the matter of human rights. Following a recommendation from the Commission, on 6 June 1967 the Council adopted ECOSOC Res. 1235, which granted the Commission and the Sub-Commission the authority they had sought, "to examine information relevant to gross violations of human rights and fundamental freedoms ... in all countries...", and to "make a thorough study of situations which reveal a consistent pattern of violations of human rights", as exemplified by the situations in the Republic of South Africa, the territory of South West Africa and Southern Rhodesia. The Special Procedures of the Commission on Human Rights derive essentially from this resolution.
3. The first special procedure, the Ad-hoc Working Group of Experts to investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa¹, which later became the Ad Hoc Working Group of Experts on southern Africa, was created by the Commission in 1967. In 1969 this Working Group was also entrusted for a short time with a similar mandate in the Palestinian territories occupied by Israel. In 1968 consideration of this question was entrusted by the General Assembly to the Special Committee on Israeli Practices.
4. Subsequently, public procedures to investigate the situation of human rights in specific countries have been established by the Commission on Human Rights³. In addition, the Commission has established mandates under the advisory services programme for which Independent Experts have been appointed⁴.
5. It should also be noted that Special rapporteurs have been at times appointed under the confidential 1503 procedure. This procedure, adopted by the ECOSOC in 1970, authorized the Sub-Commission to consider communications "which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms". Actions by the Sub-Commission or the Commission under the 1503 procedure must remain confidential until such time as the Commission may decide to make recommendations to the ECOSOC. This confidentiality includes the appointment and reporting of a Special rapporteur. The guidelines contained in the present manual are also applicable for the work of 1503 Special rapporteurs.

³A complete list of the current country specific mandates is to be found in Annex I.

⁴A complete list of the current country mandates under the advisory services programmes is also to be found in Annex I.

6. The issue-oriented or thematic approach only emerged in 1980 with the establishment of the Working Group on Enforced or Involuntary Disappearances (Resolution 20 (XXXVI)). These procedures deal with major phenomena of violations on a global basis. New thematic mechanisms have been steadily established by the United Nations Commission on Human Rights over the past 18 years.

II. APPOINTMENT

7. In most cases, the Chairman of the Commission of Human Rights is requested to appoint the Special rapporteurs, representatives, experts and members of the working groups created by the mandates of the Commission of Human Rights. Generally, these appointments are made following consultations with the Bureau, but ultimately the appointments are at the discretion of the Chairman. In other cases, the experts are appointed by the Secretary-General, such as the independent experts of the advisory services programme and the Representative of the Secretary-General on Internally Displaced Persons. The appointments are normally made immediately following the session of the Commission in which the relevant mandate has been established. It should be noted that the Economic and Social Council (ECOSOC), which meets annually in July, must endorse the mandates of the Commission, but not the appointment by the Chairman or the Secretary-General. Therefore, appointments may be made prior to the session of ECOSOC with the provision that they become effective upon approval by ECOSOC.

8. As regards Working Groups, the Chairman of the CHR appoints the members of the Working Groups upon proposal of the respective representatives of the regional groups composing the Commission. Once appointed, the members of the WG elect their chairman and eventually also the vice chairman for an indefinite period of time. However, in May 1997, the Working Group on Arbitrary Detention decided to establish a new procedure which provides that at the beginning of each renewed mandate, the members of the Working Group elect their Chairman and Vice Chairman for the term of the renewed mandate².

III. MANDATE

9. The mandate of each special rapporteur is set forth in the relevant resolution adopted by the Commission. These resolutions, and thus the mandates, must then be formally endorsed by the Economic and Social Council during its annual session in July. In the case of the thematic procedures, the mandates are generally given for a three year period. Indeed, in its Decision 1990/48, the ECOSOC recommended that “the mandates of the thematic rapporteurs and working groups established or to be established by the Commission shall, unless otherwise decided, be of three years- duration...³”; in the case of country-specific mandates for special procedures and advisory services, the mandates are generally given for one year. In most cases, the mandates adopted by the Commission are sufficiently broad so as to leave room for flexibility in fulfilling the mandate.

10. Although each procedure is *sui generis*, there are basic elements common to all the mandates. For instance, all mandates entitle the special rapporteurs to seek and receive credible and reliable information from specified sources such as governments, specialized agencies,

intergovernmental organizations, non-governmental organizations and even private individuals. All special rapporteurs are required to report at least once a year to the Commission on Human Rights.

11. Most mandates also specifically encourage the special rapporteurs to undertake country-visits in order to investigate the situation *in situ*.

12. The practice has been that all special rapporteurs, both in the case of country-specific and thematic mandates, have requested the consent of concerned governments to conduct field missions. In some cases, Governments do not accept the *in situ* visits, in which case special rapporteurs have travelled to other countries to gather information.

13. By an ever-increasing number of resolutions, the Commission has called upon the special rapporteurs to assist in the implementation of various human rights where specific mechanisms may not exist or to take into consideration other issues. For example, during its 55th session, the Commission has adopted a resolution (1999/41) concerning the integration of the human rights of women throughout the United Nations system, encouraging the experts to report on violations of the human rights of women and to cooperate with the Special rapporteur on the violence against women.

14. It should be noted that there is a distinction to be drawn between country-specific mandates entrusted to special procedures and those to advisory services programme. Although the mandates under advisory services programme tend to have a fact-finding component similar to the mandates that fall under the special procedures, the emphasis is clearly upon the provision of advisory services and technical cooperation.

15. All mandates also call upon the special rapporteurs to report to the Commission on Human Rights on their activities during the prior year along with their conclusions and recommendations. The Commission may also request the Secretary-General to transmit interim reports of special rapporteurs to the General Assembly and the Security Council, and in exceptional cases to other inter-governmental organizations. For example, the report of the Special rapporteur on the former Yugoslavia is transmitted to the Organization for Security and Cooperation in Europe.

IV. METHODS OF WORK

16. The following are the basic rules and methods of work which are common to all Special rapporteurs, as well as to the Working Groups of the Commission on Human Rights. It should be borne in mind, however, that each mandate has its own specificities, as stemming from the language of the resolution creating the mandate. At the same time, the Commission on Human Rights has identified several issues that should be taken into account in addition to their specific mandates by all Special rapporteurs in the discharge of their mandates (see para. 13).

17. Furthermore, as a general rule, country mandates examine the situation of human rights of the country concerned in its entirety, whereas thematic mandates deal with a specific phenomenon and generally have concentrated on the examination of concrete incidents and cases.

This may also affect the somewhat different working methods of these two categories of mandates. Some of the existing procedures (Working Group on Enforced or Involuntary Disappearances, Working Group on Arbitrary Detention, Special Rapporteurs on Torture and on Summary or Arbitrary Executions) have adopted specific methods of work which are continuously being further developed.

18. During a one-year term, given the financial constraints of the OHCHR, a Special rapporteur may make up to three visits for consultations at the Office of the High Commissioner for Human Rights (normally after being designated or after the renewal of the mandate, upon presentation of the report to the Commission, and for one more series of consultations, whenever this is deemed appropriate). A Working Group would normally hold a maximum of three sessions per year. During the same period, Special rapporteurs as well as members of Working Groups will carry out field missions as appropriate (see below chapter VI, para. 56).

A. Source of information

19. Governments, inter-governmental organizations, non-governmental organizations, alleged victims of human rights abuses, victims, relatives and witnesses constitute a source of information which is essential to the work of the special rapporteurs. Special rapporteurs therefore should make themselves available for meeting such sources as part of their consultations in Geneva, New-York (for those attending the General Assembly), during field missions or elsewhere as appropriate.

20. In dealing with governments and other sources, and bearing in mind that the subjects concerned are often highly sensitive, the Special rapporteurs should be inspired by the principles of discretion, transparency and even-handedness. Equal opportunity must be provided to both sources of information and Governments against whom allegations are made to comment on the presentations of each.

B. Admissibility of communication

21. In dealing with individual cases or incidents, each Special rapporteur may adopt criteria for admissibility as he deems appropriate. However, in general, communications should be in writing and include full details of the sender's identity and address, and full details of the incident prompting the sender to address his communication. Anonymous communications are not to be considered. *In order to ensure the credibility of the special procedures, allegations, especially when they result from oral testimony, must be cross-checked with other sources in order to verify their probative value by means of sufficiently precise and consistent facts.*

22. Further, it may be noted that, unlike the communication procedures under the various human rights treaties, exhaustion of domestic remedies is not required for the special procedures of the Commission on Human Rights to deal with individual communications. This position was clearly expressed by the Working Group on Enforced or Involuntary Disappearances and by the Working Group on Arbitrary Detention in their reports to the Commission on Human Rights, which took note of this position.

C. Communication with Governments

23. The normal channel of communication with governments is the Permanent Representative to the Office of the United Nations normally in Geneva or, in the absence of such representation, at the United Nations Headquarters in New-York. The Special rapporteurs may contact permanent representatives of States whenever they deem it necessary. The regular way of communication between a Special rapporteur and a Government is in writing through the Secretariat, but oral consultations may also be held, when this is deemed appropriate.

24. Summaries of allegations received by the Special rapporteurs shall be studied and evaluated. When appropriate, Special rapporteurs shall prepare the allegations and periodically address them to the Governments concerned, with a request for a reply containing the Government's explanations and views on the allegations, results of enquiries undertaken, and other relevant information. In this connection, a reasonable deadline of one month may be fixed for such a reply. For the sake of transparency, the substance of the replies received may be forwarded to the source for its comments.

25. In the case of country mandates, the practice varies, in general, summaries of allegations received shall be prepared, and periodically transmitted in the form of a memorandum addressed to the Government before the publication of the report to the Commission and/or the General Assembly, so as to give the Government - in a spirit of transparency and in keeping with an adversarial approach- the opportunity to examine the allegations and reply thereto. Such replies are reflected in the relevant report.

26. In any communication with a Government, unless the source requests otherwise, the identity of the source should be kept confidential, in order to protect it from possible reprisals..

D. Urgent appeals

27. The Special rapporteurs may also address to Governments "urgent appeals", by means of a cable or a telefax message addressed directly to the Minister of Foreign Affairs of the State concerned (with a copy to the Permanent Mission). Such appeals are transmitted when there exists a threat of serious and grave violations to the human rights of an individual or a group. Further, it should be noted that such appeals do not prejudge any conclusions on the merits of the case.

28. This method was originally developed by the WGEID, and has later been resorted to by most of the Thematic Rapporteurs and Working Groups. More recently, urgent appeals have been addressed jointly by several Thematic Rapporteurs, or by Geographic and Thematic Rapporteurs. It may be noted that in certain cases Special rapporteurs decided to make such urgent appeals public by issuing press releases.

E. Preparation of the reports

29. It is the general rule for every Special rapporteur to report on his/her activities to the Commission on Human Rights at least once a year. A number of Special rapporteurs have also to report to the General Assembly. In addition, some Special rapporteurs have to report on their activities periodically. It is also a general rule that every field mission is followed by a mission report, which can either be included in the main report or be published in the form of an addendum.

30. Due to editing and translation requirements, it is imperative that reports be submitted within the deadlines fixed by Conference Services, i.e. the six weeks rule (for 2000 the deadlines are the following: 20 September 2000 for reports submitted to the General Assembly, and 15 December 2000 for reports submitted to the Commission)⁴. The general rule is that reports must be limited to 32 pages for all reports⁵, however, there are considerations to reduce the length of the reports from the desired limit of 32 pages to twenty pages⁶. For reports that are longer than 32 pages there is no guarantee that translations may be given. Furthermore, in accordance with General Assembly resolution 36/117B and directives from the Conference Services Division in New York as to the strict application of the rule of simultaneous distribution of documents, no selective issuance of one or the other language version of a report can be arranged.

F. Cooperation with the Secretariat

31. The Office of the High Commissioner for Human Rights acts as Secretariat for all the above-mentioned mandates. As such, official correspondence undertaken in the framework of such mandates should be done by the OHCHR following general guidelines or specific instructions given by the Special Rapporteurs. In cases where the Special rapporteurs decide to undertake directly such correspondence, whether in Geneva or in the Special Rapporteurs' country of residence, the OHCHR should be kept informed for the sake of coordination. Likewise, whenever contacts or correspondence which have some relevance to the mandates of the Special rapporteurs are done by the OHCHR, the Special rapporteurs should be automatically informed for the sake of coordination.

V. MISSIONS

32. For all special procedures and technical cooperation mandates, field missions are an essential means for gathering first-hand information. They are meant to allow for direct observation of the human rights situation in a specific country; they should facilitate an intense dialogue with all state authorities who are involved with the relevant issues to be examined, including the executive, legislative and judicial branches; they should also allow for contact and information gathering with victims, witnesses, international and local NGOs and members of the civil society, the academic community, the grass-root movements, as well as with the resident

⁵See A/INF/48/1 of 29 June 1993, note by the Secretary-General "Control and limitation of Documentation"; para 36 to 52.

⁶See General Assembly resolution A/Res/52/214

international agencies. Special rapporteurs' missions often raise awareness of specific problems: a) inside the country, through meetings, briefings, press coverage of the mission and dissemination of the mission report; b) at the regional and international level, primarily through the dissemination of the mission report.

33. Sometimes a Government may invite a Special rapporteur on its own initiative. However, in most cases the Special rapporteurs may have to take the initiative of soliciting an invitation through oral contacts with the permanent representative of the country concerned, or by writing to the Government and explaining their interest for undertaking a mission. This is normally arranged through the Secretariat of the OHCHR. *Special Rapporteurs should not accept any invitation to visit the country, in connection with the mandate, which is not organized in conjunction with, and with the participation of, the secretariat. This applies even more to any tourism or holiday related invitation.*

34. In general, initiatives for missions should not be taken before the ECOSOC has approved the mandate and its financial implications. Only when the Government requests an early visit can it on an exceptional basis be carried out; however, the report will in such cases not be issued before ECOSOC approves its mandate or its renewal.

35. General terms of reference indicating essential guarantees for the independence of the mission have been developed and are attached in Annex III of the manual. They constitute minimum standards that receiving Governments are expected to respect when they invite Special rapporteurs to visit the country. Additional guarantees may be agreed upon between the Special rapporteurs and the concerned Government when the specificities of the particular situation or mandate so require.

36. In preparing for the mission, the following should also be taken into consideration: in exceptional circumstances (e.g. budget overrun), travel arrangements must be authorized by the Assistant Secretary-General for Human Rights given the fact that missions may entail significant costs not previously planned for the OHCHR.

37. The Chief of Branch, after consultation with the Special rapporteur, decides on the assignment of the staff member accompanying the Special rapporteur. In accordance with the latest instructions from Headquarters, due to financial crisis, only in exceptional cases may more than one staff member be assigned to accompany a Special rapporteur or a Working Group.

38. The necessary visas for the countries to be visited during the mission have to be obtained by Special rapporteurs in their places of residence. It should be recalled that UN Certificates are not travel documents, and therefore, the national passports of the Special rapporteurs must be used for obtaining a visa. Reimbursement for possible fees is included with the final settlement of travel expenses. In exceptional cases the issuance of visas may be arranged upon arrival. When needed, the OHCHR shall cooperate with the appropriate authorities to facilitate the obtention of the visa for the Special rapporteur. Visas are not needed for the country of nationality or residence if Special rapporteurs intend to undertake an investigation in their countries of origin or residence (a most likely exceptional constellation), they should simply notify their Government

of nationality or residence.

39. As regards insurance, please see para. 70 to 72.

40. Unlike United Nations staff, medical clearance is not required for Special rapporteurs while performing their functions and while on mission. Medical examinations and vaccinations, which may be required by the UN Medical Service Department, for missions in a specified number of countries, must be arranged at their place of residence. Reimbursement for vaccinations may be obtained with the final settlement of travel expenses. Where appropriate, accompanying staff member carry medical kits with them, which include useful information to avoid illness and basic medical supplies.

41. In countries where special United Nations' security measures apply, travel to the country concerned or inside the country is not allowed for staff without proper security clearance. Such security restrictions apply only to accompanying staff, and thus, a Special rapporteur remains free to travel to such areas, even if the staff has not been authorized to accompany him/her. It is, however, strongly recommended that Special rapporteurs follow the security directives of the designated UN Security Coordinator.

42. The Government has the primary responsibility of ensuring the security of the mission. This may require military or bodyguard escort. In such cases, careful consideration should be given to offers for security measures that may seem exaggerated. Such offers should be declined. Advice in this regard should be sought from the local UN official in charge of security questions.

43. Should the host Government be unable to provide the requisite security, under rare and exceptional circumstances, the United Nations system may protect experts on mission by employing security service companies providing armed guards. In the alternative, armed United Nations security officers may accompany a Special rapporteur in rare and exceptional circumstances. The United Nations Security Coordinator must authorize such protection well in advance of the mission.

44. The official programme for a mission (i.e., meetings with relevant government officials and official visits to Governmental institutions such as detention centres) is drawn up by the Government concerned with the collaboration of the Secretariat which acts following the instructions given by the Special Rapporteurs. With regard to the meetings with Non-Governmental Organizations (NGO), witnesses and other individuals, the Secretariat, following the directives provided by the Special Rapporteurs, is responsible to prepare that part of the programme.

45. In the past, many Special rapporteurs have requested the Government to schedule meetings with relevant Government officials in the morning, thereby allowing meetings with NGO's, private individuals including victims and witnesses in the afternoon. This is not an established practice, it is merely one means of ensuring an equal distribution of their time whilst on mission between governmental and non-governmental sources. Indeed, Special rapporteurs can schedule the agenda for their mission as they see appropriate. It is advisable to envisage before the end of the mission a closing up meeting with the Government authority most directly

concerned, which is normally the Ministry of Foreign Affairs. In this meeting the Government may be informed of the essence of the Special rapporteurs's finding and may be given initial recommendations and the follow-up may also be discussed.

46. As far as the arrangements made by the Office of the High Commissioner for Human Rights are concerned, in terms of logistics (including transport)⁵, the OHCHR works closely with the United Nations agencies in the country, in most cases UNDP. Where other agencies have a major role in connection to the human rights situation, they are also consulted or requested to provide support.

47. In addition to the arrangements to be carried out by UNDP or any other resident United Nations agency, where there are a large number of NGOs, many experts request an NGO to act as a coordinator of all the meetings with NGOs and private persons. NGOs may also ensure that the programme being arranged by UNDP is balanced and gives them the opportunity to provide as much information as possible.

48. During a mission the interview is an important method of collecting information about human rights violations, but great care must be taken to respect the basic principles of objectivity, respect, confidentiality and verifiability. Respecting the confidentiality of the victim or witness of the human rights violation is of particular importance. Security about the information and the identity of the person providing it is the obligation of the person conducting the interview. Serious consequences could result from the mishandling of information.

49. Accordingly, interviews should always be private and confidential. Preferably, they should be held at United Nations premises. If this is not possible, it should be made clear to Government authorities, military or civilian, that they cannot be present during the interview. Further, Special rapporteurs should not bring individual cases to the attention of the authorities (or alternatively, the resident United Nations agencies) unless there is a request from or the consent of the person concerned. Moreover, testimonies should not be reproduced or real names quoted in the report without the explicit consent of the person concerned. In general, it must always be kept in mind that the life, liberty and security of persons who approach the mission or provide it with information may be seriously threatened.

VI. RELATIONS WITH NON-STATE ENTITIES

50. *It should be recalled that, under current international law, the State is deemed to be legally responsible for any violations of human rights committed under its jurisdiction, whether by its agents or by non-State entities or by private entities such as national liberation movements. Such relations are sometimes useful for the purpose of ascertaining the truth or otherwise of allegations that these entities are victims but also perpetrators of violations.*

51. *Any such contacts must be subject to the following precautions: Avoid giving them a clandestine character by organizing them preferably abroad, before or after the mission. The situation may be different when the mission takes place in a country where a peace process is under way or where parts of the national territory are under de-facto*

control of non-State entities. The context of such meetings and the conditions in which they are held should ensure that the presence of the Special Rapporteur would not be understood as :

- (a) *endorsement of any internationally representative character claimed by the private entity and*
- (b) *subject of controversy initiated by victims' associations.*

52. Depending on the situation, and on the Special rapporteur's own approach to public relations, a press conference at the appropriate moment may be advisable. In most cases it is useful to issue at least a brief press release through the Media Information Officer of the OHCHR on the eve of the mission providing essential information on the mandate, the Special rapporteurs and the objectives of the mission. This press release should be published both in Geneva and New York and in the country to be visited. While in certain instances wide press coverage of the mission is the most effective way of raising awareness of the human rights concerns in the country, in other instances it may be advisable to retain a low profile during the mission, in particular where political sensitivities are running high. In this regard, Special rapporteurs are encouraged to limit their statements to their general mandates and activities and to avoid press comments on specific cases.

53. The report of the mission can be either included in the main report of the Special rapporteurs, or issued as addendum to the main report. Thematic Rapporteurs have generally chosen the former, while country-specific Rapporteurs have preferred the latter option.

VII. RESOURCES

54. The Commission on Human Rights in establishing the mandates of Special rapporteurs has no authority to allocate concomitant resources. Therefore, whenever the Commission considers a draft resolution creating a new mandate, or amplifying an existing one, the implementation of which involves costs for the Organization that cannot be absorbed by the existing financial resources allocated to the Office of the High Commissioner for Human Rights, the Secretariat, in accordance with rule 28 of the rules of procedure of the functional commissions of ECOSOC, has to prepare an evaluation of such costs and link it to each of the activities expected to be carried out in the framework of the new or amplified mandate. This statement is referred to by the Chairman of the Commission when the Commission takes action on the draft resolution.

55. These statements, known as "programme budget implications" statements (PBIs) describe the activities expected to be carried out by the Special rapporteurs under his mandate and the estimated costs of travel and daily subsistence allowance for the Special rapporteurs to travel to Geneva for consultations at the Office of the High Commissioner for Human Rights, to carry out field missions (accompanied by one staff member), to travel to New York, if appropriate, to present his/her report to the General Assembly and to Geneva to present his/her report to the Commission on Human Rights. It also estimates the cost of additional human resources that may be required to service the mandate. Since the cost of interpretation that may be required during mission falls under the budget of Conference Services, it is merely mentioned but not quantified in these statements.

56. It should be noted that the PBI statements are only indicative estimates of the costs to be incurred and do not, as such, constitute a budget. They are considered by the financial services of the Secretariat in light of the budgetary appropriations already contained in the biennium budget applicable at the time of the adoption of the resolution. If the financial services of the Secretariat consider that these costs cannot be absorbed within the current budget, they are presented to the ECOSOC for approval together with the mandate in question. In general, if approved, these financial requirements will be taken into account in the calculations for the next biennium budget. Only in exceptional circumstances are funds made available within the current biennium from the so-called contingency fund following approval by the ACABQ.

57. The PBI statements are taken into account in the process of establishing the budget. However, given the difficulties the Organization is experiencing and the consequential budget cuts, the resources available for Special rapporteurs' activities are considerably lower than the estimated costs that had been indicated in PBI statements originally submitted for each mandate. As a consequence, it will be necessary to apply the utmost economy with regard to all activities carried out under the special procedures system, particularly travel.

58. With regard to travel, the general rule is that there may be a maximum of three trips to Geneva by the Special rapporteurs for consultations at the Office of the High Commissioner for Human Rights and a maximum of three field missions. In view of the current budget crisis, generally only one staff member may accompany a Special rapporteur on mission. Exceptionally, for joint missions or for missions by working groups, on a case by case basis, authorization may be given for more than one staff member to accompany the mission.

59. With regard to expenses incurred by Special rapporteurs in communicating with the Office of the High Commissioner for Human Rights or other relevant interlocutors (telephone and fax), they may be reimbursed upon presentation of itemized bills. It must be emphasized, however, that resources for these purposes are very limited and every effort should be made at utmost economy in this regard.

60. Following the restructuring of the Centre for Human Rights, the management of the funds allocated to activities of the Special rapporteurs is now entrusted to one single management unit. This should facilitate more transparent financial planning for activities by Special rapporteurs, experts and working groups of the Commission on Human Rights.

VIII. LEGAL STATUS

A. Privileges and Immunities

61. Article 105, paragraph 3, of the Charter of the United Nations empowers the General Assembly to make recommendations with a view to determining, *inter alia*, the privileges and immunities of "officials" of the Organisation or to propose conventions to Member States for this purpose. The Assembly did so by adopting the Convention on the Privileges and Immunities of the United Nations on 13 February 1946⁶ (hereafter called the "Convention").

62. Article VI of the Convention provides that experts (other than officials coming within the scope of article V) shall be accorded privileges and immunities necessary to enable them to carry out their missions for the United Nations and specifies a number of those privileges and immunities. Article VII, section 26, of the Convention provides that facilities similar to those specified in section 25 (concerning applications for visas and facilities for speedy travel) shall be accorded to experts and other persons who are travelling on the business of the United Nations.

63. Special rapporteurs are considered, for the purposes of Article VI, Section 22 of the Convention, to be experts performing missions for the United Nations. Experts on mission may be retained by way of a contract known as a special service agreement, which sets out the terms of their appointment and the tasks that they must discharge. Other individuals may have the status of experts on mission, even though they do not sign a special service agreement, if they are designated by United Nations organs to carry out missions or functions for the United Nations (for example, Special rapporteurs of the Commission on Human Rights or Rapporteurs of the Sub-Commission on Promotion and Protection of Human Rights or experts of the Sub-commission itself, and members of the International Law Commission).

64. In order to enable such persons to exercise their functions in an independent manner, the Convention entitles experts, during the period of, and the time spent on journeys in connection with, their missions to the following functional privileges and immunities:

- "(a) Immunity from personal arrest and detention and from seizure of their personal baggage;
- (b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity is to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) Inviolability for all papers and documents;
- (d) For the purpose of their communications with the Untied Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys."⁷.

65. However, experts on missions, unlike officials of the United Nations, enjoy no tax

⁷Article VI; Section 22 of the Convention (Experts on missions for the United Nations).

exemption on their official emoluments, no immunity from national service obligations, no immunity from immigration restrictions and registration requirements, and no rights on duty-free imports. The above-mentioned limited privileges and immunities are intended to protect the interests of the United Nations in the privacy of its papers and communications and in deterring any coercion or threat thereof in respect of the performance of the experts' missions.

66. Experts on missions are issued with a United Nations Certificate. Pursuant to Section 26 of the Convention, experts who have a "Certificate", which attests that they are travelling on the official United Nations business, are entitled to "similar facilities" to those specified under the Convention (Section 25) to the holder of United Nations laissez-passer, i.e. officials of the Organization. The latter facilities, in particular, include (a) processing of visa-applications (where required and when accompanied by a certificate that they are travelling on the business of the United Nations) as speedily as possible, and (b) granting other facilities for speedy travel.

67. The International Court of Justice, in its advisory opinion of 15 December 1989 on the applicability of Article VI, Section 22 of the Convention in the case of Mr. D. Mazilu, Special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of the Minorities (who had been denied travel to Geneva by the former Rumanian Government to attend the Sub-Commission in order to present a report prepared in his capacity as Special rapporteur), inter alia confirmed that:

"Section 22 of the Convention is applicable to persons (other than United Nations officials) to whom a mission has been entrusted by the Organization and who are therefore entitled to enjoy the privileges and immunities provided for in this Section with a view to the independent exercise of their functions. During the whole period of such missions, experts enjoy these functional privileges and immunities whether or not they travel. They may be invoked as against the State of nationality or of residence unless a reservation to Section 22 of the General Convention has been validly made by that State."

68. In April 1999, the International Court of Justice handed down its Advisory Opinion in the case of Mr. D. P. Cumaraswamy, the Special Rapporteur on Independence of Judges and Lawyers. The opinion re-affirms the integrity of the work of the rapporteurs and experts of the Commission. The Court held that article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations was "applicable" in the case of Mr. Cumaraswamy, and that he was "entitled to immunity from legal process of every kind" for the words spoken by him during an interview as published in the November 1995 issue of International Commercial Litigation. The Court also stated that Mr. Cumaraswamy should be "held financially harmless for any costs imposed upon him by the Malaysian courts, in particular taxed costs". The Court found that the Governments of Malaysia now was under "the obligation to communicate the advisory opinion to the Malaysian courts, in order that Malaysia's international obligations be given effect and Mr. Cumaraswamy's immunity be respected".

69. In the event that legal proceedings are instituted or threatened against an expert for any act in the course of the performance of a mission, the office of the Legal Counsel at headquarters

is to be immediately contacted for advice on an appropriate response. This can be done through the Office of the High Commissioner for Human Rights in Geneva.

70. According to Section 23 of the Convention, privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

71. It follows from the foregoing that there is incompatibility between the position of an expert and that of a staff member of the Secretariat. Therefore, a mandate holder who accepts a position in the Secretariat has to resign from his position as an expert under a mandate entrusted to him or her by any organ of the United Nations.

B. Question of Insurance

72. The United Nations has entered into an agreement with an agency to obtain from Lloyds of London life/accident insurance for staff required to serve at hazardous duty stations. In this connection, it should be recalled that the ILO Administrative Tribunal in 1980 adjudged that organizations bear responsibility for the assignment or travel of staff members to potentially dangerous areas, and ruled that an employee is not obliged to run abnormal risks for the benefit of his employer, at any rate, unless he/she is given adequate insurance coverage.

73. Coverage under this particular policy is related to malicious acts, i.e. for death or disability caused directly or indirectly by war, invasion, acts of foreign enemies, revolution, rebellion, insurrection, military or usurped power, riot or civil commotion, sabotage, explosion of war weapons, terrorist activities (whether terrorists are the country's own nationals or not), murder, or assault by foreign enemies or any attempt thereat.

74. Effective 1 April 1990, coverage was extended to Professional experts (including Special rapporteurs) on official mission/travel/Daily Subsistence Allowance (DSA) status and other official visitors in the designated countries. Coverage and benefits are identical to that for Professional staff members assigned to the duty station. Since it is the Organization that bears responsibility for the travel of experts on mission, the cost of obtaining the malicious acts insurance policy is absorbed by the United Nations⁷¹. The issue of insurance continues to be under active discussion with the office of Legal Affairs at Headquarters.

IX.. COORDINATION AND COOPERATION BETWEEN PROCEDURES, FIELD OPERATIONS AND TREATY-BODIES

75. The 1993 World Conference on Human Rights (The Vienna Conference) underlined the importance of preserving and strengthening the system of special procedures and specified, in paragraph 95 of part II of the Vienna Declaration and Programme of Action, that the special

procedures and mechanisms of the Commission on Human Rights "should be enabled to harmonize and rationalize their work through periodic meetings". In order to comply with this principle, the High Commissioner for Human Rights has convened, every year since 1994, coordination meetings, which bring together Special rapporteurs. The reports of these meetings are published as UN documents, copies of which are available upon request.

76. The participants of the second meeting of Special rapporteurs, held in Geneva, from 29 to 31 May 1995, recommended, *inter alia*, that:

"The holders of both country-specific and thematic mandates were invited to bear in mind the importance of sharing information and the possibility of undertaking joint activities wherever appropriate. Information sharing was of particular importance when field monitoring operations had been established. Participants with thematic mandates were invited to bear in mind the information they could provide in respect of cross-border problems touching on the concerns of country-specific mandates".

77. The fourth meeting of the Rapporteurs reiterated the decision that the participants will elect a Chairperson and a Rapporteur for a one year term. Both should be entrusted to follow-up on the adopted recommendations, including their transmission to the High Commissioner. The Chairperson of the meeting would also present the report to the Commission on Human Rights.

A. Coordination between the Special Procedures

78. The activities of the Rapporteurs are coordinated in particular in the following three areas: (i) meetings and consultations. This includes the coordination meetings of all Special rapporteurs which take place in Geneva on a yearly basis, as well as more limited meetings and consultations in respect to human rights issues or situations of a given country or region or on related thematic subjects; (ii) joint-urgent action appeals; and (iii) joint field missions.

79. In addition, joint *ad hoc* meetings among Special rapporteurs having a common interest may be organized during the year, preferably in connection with the annual meeting of mandate holders. It should be kept in mind that there are financial limitations.

80. Joint missions to specific countries, when the human rights situation so deserves, is a coordinated mechanism which has been utilized with success either by thematic rapporteurs (as in Colombia and in East Timor) or by several thematic and the country-specific rapporteur (as in former Yugoslavia and Rwanda). On several occasions the possibility of carrying out joint missions has been envisaged by several rapporteurs in relation to a number of human rights situations where persistent patterns of violations occurred. In some cases, the Commission on Human Rights has specifically requested that joint missions be carried out (e.g. Nigeria).

81. Increased coordination has been developed in respect of urgent actions appeals sent jointly by holders of various mandates (country-specific and thematic or among thematic mandates). When considered appropriate, urgent action appeals are sent to concerned governments jointly by two, three, four or more rapporteurs and working groups. Within this same context, it should

be noted that the Special rapporteurs may decide, if a given human rights situation so warrants, to issue jointly United Nations press releases in order to alert the international public opinion.

82. On a day to day basis, coordination between special procedures is practically carried out by the secretariat of the OHCHR through the sharing of information collected under a country-specific mandate with thematic mandates, and vice-versa, as well as through the sharing of relevant information among thematic mandates. The secretariat also assists the Special rapporteurs in the activities that they may undertake jointly. Increasingly, this is being achieved through electronic information systems, such as HURICANE.

83. Information collected under country-specific mandates is systematically channelled to the relevant thematic Special rapporteurs and *vice-versa*. In the event that several Special rapporteurs are raising the same incident or case in a given country, efforts are made by the Secretariat to coordinate communications to the concerned Government so as to ensure coherence in the treatment of the case. In the future such efforts shall be facilitated through electronic information handling systems.

84. Desiring to respond to the request of the Commission for a strengthening of the coordination which already exists between the various United Nations bodies working in the field of human rights (resolution 1997/50, para. 1 (b)), the Working Group on Arbitrary Detention took action as follows:

(a) If the Working Group, while examining allegations of violations of human rights, considers that the allegations could be more appropriately dealt with by another thematic working group or special rapporteur, it would refer them to the relevant group or rapporteur within whose competence they fall, for appropriate action;

(b) If the Working Group receives allegations of violations of human rights which fall within its competence as well as within the competence of another thematic mechanism, it may consider taking appropriate action jointly with the working group or special rapporteur concerned;

(c) If communications concerning a country for which the Commission has appointed a special rapporteur, or another appropriate mechanism with reference to that country, are referred to the Group, the latter, in consultation with the rapporteur or the person responsible, shall decide on the action to be taken;

(d) If a communication addressed to the Group is concerned with a situation that has already been referred to another body, action shall be taken as follows:

(i) If the function of the body to which the matter has been referred is to deal with the general development of human rights within its area of competence (e.g. most of the special rapporteurs, representatives of the Secretary-General, independent experts), the Working Group shall retain competence to deal with the matter.

(ii) However, if the body to which the matter has already been referred has the function of dealing with individual cases (Human Rights Committee and other treaty bodies), the Working Group shall transmit the case to that other body if the person and facts involved are the same.

(e) Furthermore, the Group decided not to make visits to countries for which the Commission has already appointed a country rapporteur, or another appropriate mechanism with reference to that country, unless the rapporteur or the person responsible requests the Group to make the visit.

B. Cooperation with field presences

85. At present, the OHCHR has offices in (a) Abkhazia/Georgia, Afghanistan, Angola, Burundi, Colombia, Democratic Republic of Congo, Indonesia, Sierra Leone, and former Yugoslavia to monitor the human rights situation and provide advisory services and technical cooperation; and (b) Mongolia, Cambodia, Central Africa Republic, Togo, Liberia, El Salvador, Guatemala, Guinée Bissau, Gaza, Malawi, Somalia and South Africa for Southern African countries and Uganda for the provision of advisory services and technical cooperation alone. Consideration is being given to establishing offices in Yemen and the Sudan.

86. Human rights field offices entrusted with the implementation of advisory services and technical cooperation are involved in such activities and programmes as: (i) facilitating the ratification of international human rights instruments; (ii) assisting in revising relevant national legislation; (iii) assisting in building or strengthening the administration of justice and national institutions for the promotion and protection of human rights; (iv) strengthening civil society capabilities; (v) providing information, education and training programmes to relevant target groups.

87. Thus, field presences constitute a potential mechanism for further strengthening the work of the Special rapporteurs. For this, it is essential that both Special rapporteurs and OHCHR field presences are perfectly aware of each others existence, mandates, activities and capacity, and that there is a clear commitment to cooperation and coordination on both sides.

88. The collection and analysis of information in the human rights offices operating in the field as regards the monitoring of human rights situations may vary from one office to the other, depending on the size and mandate(s) of the operation. In general, however, the human rights monitors gather all relevant information on human rights violations, which may range from investigating specific incidents and causes to observing general trends and patterns of behaviour of the relevant authorities. Therefore, the field presence represents a valuable United Nations information source which may considerably ease the Special rapporteurs reporting task.

89. Field presences can also largely facilitate the work of the Special rapporteurs by keeping them duly informed of developments relevant to their mandates. Where incidents come to the offices' attention which are within the scope of a particular mandate, the field officer should communicate the information promptly to the Rapporteur (via the desk officer in Geneva), along with a recommendation as to the possible action to be taken by the Special rapporteurs.

90. Due to their presence in the field, field officers can closely follow up on cases in which a Special rapporteur has shown a particular interest, and eventually they can intervene on their behalf, provided they have been specifically requested to do so. In situations where both the field presence and the Special rapporteurs want to intervene, it is essential that proper coordination takes place. In rather urgent situations, it may well be possible that the field will have to intervene immediately, but in such cases they should promptly inform the Special rapporteurs of their intervention.

91. Field Presences also have the potential to follow up on recommendations made by the Special rapporteurs, whether these are related to a specific case or a particular problem within the country. As field officers generally have a prolonged stay in the country, they are in a better position to follow up on any action taken by the Government. The field presence should then duly inform the Special rapporteurs, again via the geographical desk in Geneva, on any follow up to their recommendations.

92. When a Special rapporteur undertakes a field mission in a country where there is a OHCHR field presence, the latter should assist the former by suggesting and formalizing an agenda, holding briefing sessions including sessions regarding security issues, logistics and any other kind of assistance within the capacity of the field presence. The field officer may further assist the Special rapporteur on his or her mission by establishing contacts at the national and local levels with governmental authorities as well as with non-governmental organisations and individuals.

93. It is possible that the Special rapporteurs, because of their contacts and sources of information, of which many are not necessarily in the country in question, may have information that the field presence does not have but that could certainly be useful and relevant for the field presence's mandate. The Special rapporteurs should share their information as much as possible with the field office. To this effect, they will send such information to the field through the geographical officer in Geneva.

C. Cooperation with treaty bodies

94. The Commission on Human Rights encourages the thematic Special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies and country rapporteurs (Res. 1996/46). This cooperation between special procedures mandates and treaty bodies is achieved through the sharing of information and consultations. Because of the nature of the special procedures, holders of thematic mandates can gather information in States which are not parties to specific human rights conventions and can visit countries in order to inquire about specific phenomena relating to their mandates.

95. Treaty bodies might invite Special rapporteurs to their meetings when they are discussing matters pertaining to the mandate of a given Special rapporteur. Special rapporteurs may also wish to solicit a meeting with a given treaty body if they consider it appropriate.

96. In some cases, a closer cooperation has been developed between Special rapporteurs and treaty-based bodies. This is the case when a thematic mandate has been established which focuses on the same right or groups of rights that are of a concern to a given treaty-based body. Such regular cooperative arrangements have been established between: the Special rapporteur on torture and the Committee against Torture; the Special rapporteur on the sale of children, child prostitution and pornography and the Committee on the Rights of the Child; and the Special rapporteur on Racism, Racial Discrimination and Xenophobia and the Committee on the Elimination of Racial Discrimination.

97. The exchange of views between the two affords a good opportunity for them to get better acquainted with the nature and specificities of, as well as with the activities undertaken under the respective mandates. In addition, these consultations provide a meaningful opportunity of ensuring coherent approaches. Cooperation may also contribute to developing a network of information as well as to encouraging research on specific issues.

98. At the level of the secretariat, cooperation between special procedures mandates and treaty bodies is achieved through the exchange of information. On the one hand, the secretariat provides the reports of the Special rapporteurs to the various committees established under human rights treaties. The relevant information and recommendations contained in these reports are taken into account by the members of the treaty-based bodies when they consider country reports submitted under the given human rights treaty.

99. Similarly, the secretariat provides the relevant Government reports submitted pursuant to treaty obligations together with the observations or comments made thereon by the human rights treaty-body to the Special rapporteurs.

X. COMMISSION ON HUMAN RIGHTS

100. The Commission on Human Rights is one of the six functional commissions of the Economic and Social Council. Article 68 of the United Nations Charter provides that "the Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights". It is the main policy making body on human rights issues and reports annually to the ECOSOC.

101. The Commission, originally composed of 18 member States, has been gradually increased to the current 53 member States. The members of the Commission are elected by the ECOSOC for a period of three years, in accordance with a system of geographical distribution: African States (15), Asian-Pacific States (12), Eastern European States (5), Latin-American and Caribbean States (11), Western European and Other States (10).

102. In addition to the member States, a large number of observers from member States of the UN, UN Specialized agencies, intergovernmental organizations, national institutions for the promotion and protection of human rights, national liberation movements and non-governmental organizations participate in the annual sessions.

A. Functions

i) Standard setting

103. Until the late sixties the Commission acted as a technical organ whose main effort concentrated on drafting new instruments. This function has continued until now, although the Commission has never been the only UN body carrying out standard-setting activities in the field of human rights. The General Assembly, in particular, has also played an important role in this regard. At present the Commission is *inter alia* drafting the following instruments, for which purpose it has established pre-sessional open-ended working groups:

- An optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a preventive system of visits to places of detention;
- A declaration on the rights of indigenous peoples.

ii) Protection against human rights violations

104. Since the late sixties the Commission has established a number of mechanisms for dealing with human rights violations, on the basis of ECOSOC resolutions 1503 (XLVIII) and 1235 (XLII). It is on the basis of these resolutions that the Commission appoints Special rapporteurs to study specific country situations or thematic issues. The origin of these mechanisms and their evolution is described in the Introduction.

iii) Promotion of human rights

105. This category includes a variety of activities which are not the exclusive competence of the Commission, but on which this body can exercise its influence, for instance the program of advisory services and technical assistance. In this connection the Commission decided in 1987 to create a Voluntary Fund for Advisory Services and Technical Assistance, and in 1993 it established a board of trustees as an advisory body to ensure a more efficient management of the Fund. The Commission has also requested the Secretary-General to appoint experts with the mandate of providing technical assistance to Governments, although in most cases their mandate has also included a protection component.

106. The Commission also constitutes a forum for consultation, as well as to debate human rights issues and develop conceptual aspects, such as those linked to the realization in all countries of the economic, social and cultural rights⁷², the right to food (Res 1999/24), and the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (res. 1999/22).

B. Session

107. The Commission meets annually in Geneva for six weeks between mid-March and the end of April.

108. By resolution 1990/48 of 25 May 1990, the Economic and Social Council (ECOSOC) authorised the Commission to, under exceptional circumstances, hold a special session in between its regular sessions, as long as a majority of the member States agree. By decision 1993/286 the ECOSOC established the procedure for special sessions. These may be convened at the request of any State member of the United Nations if the majority of States members of the Commission agree. The duration of the special session shall, in principle, not exceed three days. The Commission meeting in special session may take the same decisions as those made at its regular sessions.

109. Until now the Commission has held four special sessions. Two in 1992, on the issue of the Former Yugoslavia, one in 1994 devoted to the situation of human rights in Rwanda and one in September 1999 devoted to the situation on East Timor.

i) Agenda

110. The Commission on Human Rights adopts, at the end of its annual session, a provisional agenda for its next year's session. Changes may be proposed by its members at the beginning of the new session. Several weeks before the beginning of the session the Secretary-General makes available a document containing the annotations to the provisional agenda. The annotations describe briefly the different issues to be considered and contain references to the main documents that will be presented under each agenda item.

111. The Commission normally requests the Special rapporteurs, independent experts and working groups to report to it annually. For certain mandates, it may also request that a report be submitted to the General Assembly (see para. 14).

ii) Oral statements by Special rapporteurs, debate, adoption of resolutions

112. Every year, the Commission has before it the reports of the Special Rapporteurs. When in session, the Commission traditionally invites Special rapporteurs to make an oral statement of their respective reports at the annual session under the corresponding agenda item. This oral intervention gives the rapporteurs an opportunity to concentrate on the main issues dealt with in the report, indicate trends and update the report itself.

113. The dates on which each of the agenda items will be discussed are decided upon by the Commission Bureau at the beginning of each session. Irrespective of the schedule, modifications are to be expected depending on how the debate evolves.

114. When coming to present their reports to the Commission, the Special rapporteurs have

the possibility of staying in Geneva for a period of five working days. This allows them to attend the debate, meet delegates, members of non-governmental organizations and other rapporteurs, as well as to have consultations with the Secretariat. In addition to their introductory statement, the Special rapporteurs may, in principle, intervene during the debate and make concluding observations. The presentation of reports by country-specific rapporteurs is normally followed by a statement of the representative of the country concerned.

115. In most cases, however, the oral presentation of the report before the plenary does not allow a thorough debate on its contents between the participants and the Special rapporteurs. Special meetings can be organized on the one hand with NGOs and on the other hand with Government representatives. This allows a less formal dialogue with delegations concerning the evolution of the relevant mandate, new ideas, developments etc.. Briefings with the press can also be organized if the Special rapporteurs consider it desirable.

116. The Reports to the General Assembly are considered by the Assembly's. The Third Committee which in the past has traditionally taken up these reports during the last two weeks of November. Special rapporteurs may attend the GA session for five working days. The time allotted to debate the report is even shorter than at the Commission, with very little possibility of engaging in substantive discussions.

117. Normally, the Commission adopts a resolution on each of the mandates every year and decides through its resolutions whether the mandate has to be renewed or not. Each draft resolution is prepared by one delegation with particular interest in the subject, who then seeks cosponsors, including among observer States.

118. Draft resolutions on a particular agenda item are introduced orally by the sponsor delegation. Immediately before the vote the Secretariat makes an oral statement on the financial implications of the resolution.

119. Resolutions with financial implications, such as those establishing or extending the mandate of a Special rapporteur, have to be endorsed by the ECOSOC at its next regular session, which is now held in the month of July. It should be noted, however, that ECOSOC has to approve only the mandate and the financial implications, but not the appointment of the mandate holders. Such appointment, therefore, may take place before the ECOSOC session, on the understanding that it only becomes effective once the endorsement has taken place.

120. In general, the practice at the ECOSOC is to confirm the Commission resolutions. In most of the cases, it is done without debate. However, until this approval takes place, the resolution cannot be considered as fully operative. Special rapporteurs, therefore, should refrain during this period from carrying out activities other than the collection of information. Country visits, for example, should not be undertaken, unless the Government concerned makes a specific request. In this case, the report may not be published before the ECOSOC endorsement of the mandate. Transmission of allegations to Governments, especially urgent appeals, continue in the usual manner.

C. The Sub-Commission on the Promotion and Protection of Human Rights

121. The Sub-Commission is the main subsidiary body of the Commission. It is composed of 26 independent experts, serving in their individual capacity, proposed by Governments and nominated by the Commission for terms of four years. It was established in 1946 by ECOSOC resolution 9(11) to undertake studies, with particular reference to the Universal Declaration of Human Rights. Its task is also to draw the attention of the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities, and to undertake studies and other functions entrusted to it by ECOSOC or the Commission. Its functions, however, have expanded over the years, with the Sub-Commission coming to play an important role in dealing with alleged human rights violations.

¹Resolution 2 (XXXIII); 23rd session of the Commission on Human Rights

²See E/CN.4/1998/44 (Annex I, Chap. 1, para. 3).

³Resolution 1990/48 "Enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms". 25 May 1990

⁴See General Assembly resolution 52/214

⁵ If possible, travel in government vehicles should be avoided in the interest of maintaining the appearance of utmost impartiality and objectivity.

⁶Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946. It came into force on 17 September 1946 as regards United Kingdom of Great Britain and Northern Ireland by the deposit of the instrument of accession. Full text in Annex IV.

⁷¹The text of the agreement is available in Annex VI

⁷²See Resolution 1999/25: "Question of the realisation in all countries of the economic, social and cultural rights contained in the UDHR and in the ICESCR, and study of special problems which the developing countries face in their efforts to achieve these human rights"