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人权理事会
第五届会议
议程项目 2

大会 2006 年 3 月 15 日题为“人权理事会”的
第 60/251 号决议的执行情况

联合国大学校长 2007 年 5 月 18 日给人权理事会主席的信*

我向你传达关于人权特别程序的论述，请在人权理事会第五届常会予以讨论。

这份“提交联合国人权理事会的《关于人权特别程序的伦德论述》”是由 2007 年 5 月 2 日至 4 日在瑞典伦德聚集的一个专家小组参加联合国大学拉乌尔·瓦伦贝里人权及人道主义法律研究所(RWI)举行的“人权特别程序：特别报告员制度”研讨会时拟定的。联合国大学是联合国系统的智囊团，负责发挥新颖和创造性思想的平台作用，就一系列全球关注的问题形成专门知识，谨此提出伦德论述，供理事会审议。

我在信后附上在联合国大学拉乌尔·瓦伦贝里人权及人道主义法律研究所举行的该研讨会上参加制订伦德论述的人员名单。

我们盼望《伦德论述》将对人权理事会关于这个重要问题的审议具有利益和价值。

我希望理事会能够详尽审议这份《伦德论述》。如果需要关于这份论述的更多资料，请同我或 RWI 的高级讲师和研究主任 Lyal Sunga 教授联系。

联合国大学校长兼联合国副秘书长
HANS VAN GIKEL(签名)

* 本信以所有语文分发。附件只以提交本的语文原文照发。

Annex



**UNITED NATIONS
UNIVERSITY**



Raoul Wallenberg Institute
of Human Rights and Humanitarian Law

LUND UNIVERSITY

**LUND STATEMENT TO THE
UNITED NATIONS HUMAN RIGHTS COUNCIL
ON THE HUMAN RIGHTS SPECIAL PROCEDURES**

***Lund, Sweden
4 May 2007***

LUND STATEMENT TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL ON THE HUMAN RIGHTS SPECIAL PROCEDURES

Adopted on Friday 4 May 2007 in Lund, Sweden

I. POLICY RECOMMENDATIONS

1. A Group of Experts met in Lund, Sweden, at the Raoul Wallenberg Institute (RWI) under the auspices of the United Nations University (UNU) and the RWI from 2-4 May 2007, to discuss the human rights special procedures system of the United Nations, keeping in mind the ongoing deliberations of the UN Human Rights Council.
2. The Group of Experts considers that the UN human rights special procedures are among the most important protection mechanisms in the UN system and recalls that the special procedures system was endorsed both by the World Conference on Human Rights in the Vienna Declaration and Programme of Action, 1993, and by the UN General Assembly in resolution 60/251 of 15 March 2006 establishing the UN Human Rights Council.
3. The Group of Experts strongly urges the United Nations Human Rights Council to maintain, renew and strengthen UN human rights special procedures mandates, it being understood that the future of each mandate will henceforth be reviewed on a case-by-case basis. The Group of Experts further underlines the importance of respecting the independence of special procedures mandate-holders and considers that the primary criteria in selecting mandate-holders should be competence, impartiality and objectivity, taking into account the principles of equitable geographic distribution, broad legal and cultural diversity and gender balance.
4. The Group of Experts emphasizes that an effective and coherent system of special procedures for the promotion and protection of human rights should continue to comprise thematic and country related mandates and to embrace civil, cultural, economic, political and social rights, including the right to development.
5. The Group of Experts recognizes and affirms the centrality of the UN human rights special procedures system in identifying and addressing gaps in human rights protection, particularly as regards vulnerable groups and individuals and new threats and challenges.
6. The Group of Experts expresses its strong support for the UN human rights special procedures system and urges that it be accorded very high priority within the UN human rights programme as well as within the larger UN system as a whole.
7. The Group of Experts underlines that the UN human rights special procedures system rests on the fundamental principle of cooperation, particularly that between States and the UN, States and mandate-holders, mandate-holders and the UN system, cooperation amongst States and cooperation between mandate-holders and civil society. The Group of Experts emphasizes the importance of faithful State implementation of the recommendations arising from special procedure mechanisms.

8. The Group of Experts notes that there are Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, a Draft Manual of the United Nations Human Rights Special Procedures, as well as draft suggestions for a code of conduct for special procedures. The Group recommends that the UN Legal Counsel be invited to comment on the interrelationship among these documents.

9. The Group of Experts highlights the importance of unhindered access to and from victims of human rights violations, as well as the full participation of non-governmental organizations and civil society in the quest for the enhanced effectiveness of the UN human rights special procedures and other UN mechanisms concerned with human rights promotion and protection.

10. The Group of Experts considers that the effectiveness of the UN human rights special procedures system requires the maintenance of clear and direct channels of communication among the Office of the UN High Commissioner for Human Rights, Governments, UN bodies, the specialized agencies and other intergovernmental organizations, national human rights institutions, interested non-governmental organizations as well as civil society at large and the mass media. Unencumbered and regular communication among these entities remains particularly important for the effective operation of early warning and urgent action mechanisms and procedures. The Group of Experts further underlines the importance of UN human rights special procedures as an essential form of monitoring and early warning within the UN system.

11. The Group of Experts draws attention to the need to elaborate on the rich and beneficial contributions that special procedures can make to the system of the Universal Periodic Review.

12. The Group of Experts recommends the commissioning of an academic study on the experience, coverage, promotion, protection and impact of UN human rights special procedures from the point of view of persons and groups in urgent need of human rights protection.

13. The Group of Experts also recommends that a global study be carried out on civil society perspectives in relation to UN human rights special procedures.

14. The following parts of the Statement highlight key aspects of, and considerations relating to, the special procedures system.

II. THE ESSENCE OF THE SYSTEM

15. The system of human rights special procedures of the United Nations has been developed to carry out mandates assigned by the former Commission on Human Rights, now the Human Rights Council, and other policy making organs dealing with the promotion and protection of human rights in accordance with internationally recognized human rights law. They pay particular regard to the universality, indivisibility, interdependence and interrelatedness of human rights and the principles of equality and non-discrimination and gender equality, and are mindful of the importance of the implementation of the right to development. The system consists of independent experts implementing thematic and country mandates.

16. Special procedure mandate-holders discharge their functions with independence, impartiality, integrity and in accordance with standards of fairness and due process and in the quest for justice.

17. The special procedures place the protection of those in need high among their priorities and pursue a victims-oriented perspective. They have the tasks of analysing human rights situations, making relevant recommendations and striving for justice for the victims, actual and threatened.

18. Special procedure mandate-holders operate on the basis of international cooperation with governments, specialized agencies, regional organisations, national human rights institutions, non-governmental organisations, civil society and other partners and also pursue cooperative approaches among themselves. With a view to facilitating and harmonising their work, the special procedures have established a Coordinating Committee, which supports joint activities among them and interacts with the Human Rights Council and other actors in enhancing the system of special procedures. Increasingly, special procedures concert their efforts in joint and constructive approaches toward governments and other partners and, through their Coordinating Committee are further developing joint efforts in a constructive manner in their interactions with governments and others.

19. The functions of special procedures include the gathering and analysis of information and trends on emerging and actual human rights issues, acting upon the recommendations of human rights treaty bodies, contributing to the development of international standards, responding to urgent situations referred to them by the Human Rights Council, gathering and reacting to reliable information concerning allegations of human rights violations, reporting on State implementation of human rights obligations, identifying best practices, undertaking country visits, making recommendations for improved enforcement of human rights at the national level and communicating on behalf of victims.

20. The special procedures are also attentive to the importance in their work of contributing to human rights education and training and to the dissemination of information on human rights. They communicate with, respond to and interact with civil society, national human rights institutions, non-governmental organisations, media and other actors in the implementation of their mandates.

21. The efficacy of the work of special procedures depends upon effective and timely cooperation from governments, particularly in providing relevant information expeditiously, responding effectively to their communications, enabling them to have unhindered access to the country to assess the field situation, and in giving effect to their recommendations in a sustained and faithful manner.

22. The standing invitations by countries pledging to accept visits of thematic special procedures is an important way of strengthening the system and all countries should consider issuing such standing invitations.

III. THE PROTECTION ROLE OF SPECIAL PROCEDURES

23. Special procedures contribute to the protection of human rights by responding in a timely manner to situations of actual or threatened violations of human rights, by contributing to the identification of threats to population groups and individuals, by undertaking visits to trouble spots, by making recommendations on law, policy, practice and corrective measures to

governments and to the Human Rights Council, by calling for the wide dissemination of their findings, and by calling upon the governments and peoples of the UN to act effectively for the protection of human rights in discharge of the UN Charter's mandate on the universal protection of human rights.

24. UN human rights special procedures mobilize the global community to protect the rights of actual and potential victims. The information and analysis from their reports and related recommendations help to empower groups and individuals in protecting their rights. They also alert the international community to urgent human rights situations which require effective measures to protect human rights.

25. Visits by special procedures to victims, key locations and places where situations of concern manifest themselves such as situations where the right of self-determination is involved, prisons and places of detention, situations of displacement and locations where people are threatened with evictions and displacement, are, among others, an important part of the protection activities they engage in.

IV. IMPLEMENTATION OF SPECIAL PROCEDURES RECOMMENDATIONS

26. Implementation of the recommendations of special procedures is crucial to the success of the system. Inadequate implementation of the recommendations coming from the special procedure system weakens the efficacy and credibility of the UN and the international community and impedes the realization of human rights. The Governments concerned, interested governments - in pursuance of their obligation of international cooperation under the UN Charter - and international and regional organisations, should do their utmost to implement, and follow up on, the recommendations of special procedures. Civil society has an important role to play in encouraging and monitoring follow up to the implementation of special procedures recommendations.

27. The UN High Commissioner for Human Rights and her Office should play a part in following up on the implementation of recommendations of special procedures. The Human Rights Council, in its interaction with governments and with special procedures, should take a special interest in the implementation of the recommendations of special procedures. Such implementation may require a variety of measures, including in the field of law and law reform, review of policies, programmes, practices, and mechanisms and in the allocation of personnel and resources, as well as in the provision of related information in a participatory and accountable manner.

28. The Human Rights Council has a key role to play in influencing governments and other actors to implement the recommendations of special procedures. Such implementation also needs to be integrated and mainstreamed through the totality of the UN system, including UN country teams. The UN Human Rights Council could beneficially draw upon the recommendations of the special procedures as part of the dialogue with countries within the framework of the Universal Periodic Review.

29. Where the Human Rights Council considers it necessary, it may refer situations for the consideration of the General Assembly and, through the General Assembly, to the Security Council.

30. Special procedure mandate-holders themselves have a key role to play in mobilizing follow up to the implementation of their recommendations by making representations to governments and others and to the Human Rights Council. Special procedures should continue to pursue innovative approaches and channels of implementation. The implementation of the system of special procedures and follow up to their recommendations requires full financing and resources.

V. EARLY WARNING AND URGENT ACTION

31. UN General Assembly resolution 60/251, which established the Human Rights Council, mandated the Council to pursue activities for the prevention of violations of human rights. In accordance with this guidance from the Assembly, activities to prevent human rights violations are priority objectives of the special procedures.

32. Urgent actions are an essential part of the work of special procedures. They concern actual and impending threats which need to be responded to expeditiously and effectively. It is crucial to identify governmental focal points which can address such actions in a timely and responsive manner.

33. The Human Rights Council, in partnership with other UN organs and with appropriate contributions from the special procedures, can play an invaluable role in identifying the human rights dimensions of new threats and challenges to humanity and in the development of responses for dealing with those threats based on international human rights law.

34. Special procedures help to activate the world community as an early warning mechanism and form an intrinsic part of the efforts of the UN and the international community to give effect to the responsibility to protect human rights and to maintain a global watch over human security. Non-response to early warnings from special procedures could have, and have had, devastating human rights consequences and call into question the credibility of the UN and the international community. The General Assembly and the Security Council's commitment to act on the responsibility to protect, particularly as regards genocide, war crimes and crimes against humanity, needs to be noted in this regard.

VI. PROTECTION NEEDS

35. Protection gaps need to be addressed effectively by the Human Rights Council and related organs. In the special procedures system, such gaps range from absence of mandates in key areas, the need for new mandates, inadequate responses from governments in giving effect to the recommendations of special procedures, and insufficient financing and support of mandates. Where mandates are to be reviewed, it is important to ensure that there are no protection gaps in the transition from one mandate / mandate-holder to another mandate / mandate-holder.

36. A major contributor to gaps in implementation is the lack of recognition of the human rights dimensions of issues which the special procedures are charged with, and of issues crucial to the welfare of humankind.

37. When considering protection needs and gaps, it should be borne in mind that there is a key link between international and national protection gaps. National protection gaps may include the

absence of laws and policies reflective of international human rights law, institutional gaps and other implementation gaps, including imbalances in resource allocations.

38. During the discussion among the Group of Experts, it was widely felt that the Human Rights Council should periodically consider whether there are substantive issues that might deserve the designation of a special procedure or their inclusion in the mandate of an existing procedure. Among the issues mentioned during the discussion were : contemporary forms of slavery, gender equality, access to justice, conditions of prisons and places of detention, land rights, right to water, global warming and violence against children. The Group was of the view that it would be urgent to designate special procedures on the human rights dimensions of global warming, the right to water and access to justice.

VII. CONCLUSION

39. The Group of Experts calls upon the Human Rights Council to consider the Lund Statement in its deliberations and to support the work of special procedures effectively as part of its efforts for the strengthening of the international human rights protection system.

Human Rights Special Procedures : The Institution of the Special Rapporteur

List of Participants for UNU-RWI Workshop

2-4 May 2007 Lund, Sweden

Name	Institutional Affiliation
Alfredsson, Gudmundur	Professor, Academic Advisor, RWI / Lund Univ. Faculty of Law, Expert member of the UN Sub-Commission on Promotion and Protection of Human Rights
Benavides de Pérez, Amada	UN Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Bernaz, Nadia	Lecturer and Director of the Ph.D. Programme, Irish Centre for Human Rights, Galway
Gómez del Prado	José UN Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Grimheden, Jonas	Senior Researcher, RWI
Holmström, Leif	Director, RWI
Kothari, Miloon	UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
Lempinen, Miko	Senior Researcher, Institute for Human Rights, Abo Academi, Finland
Möller, Jakob	Former Chief, Communications Branch, UN Office of the High Commissioner for Human Rights, and Member of the Human Rights Chamber, Bosnia-Herzegovina
Muntarbhorn, Vitit	UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
Ramcharan, Bertrand	Swiss Chair, Graduate Institute of International Studies Visiting Professor, Lund Univ. , former Deputy and Acting UN High Commissioner for Human Rights
Ring, Rolf	Deputy Director, RWI
Scheinin, Martin	UN Special Rapporteur on the promotion and protection of human rights while countering terrorism
Steccazzini, Mara	UN Human Rights Officer, UN Office of the High Commissioner for Human Rights, Geneva
Sunga, Lyal	Senior Lecturer, Director of Research, RWI, Lund, former UN Human Rights Officer, Geneva
Timmermann, Martina	Project Adviser, Peace and Governance Programme, United Nations University, Bonn
Zerrougui, Leila	UN Working Group on Arbitrary Detention
<i>With additional contributions from the following persons who could not attend the meeting in Lund in person :</i>	
Huda, Sigma	Special Rapporteur on trafficking in persons, especially in women and children
Kirby, Michael	Former Special Representative of the UN Secretary-General on Cambodia, Judge of the High Court of Australia

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