

The Special Procedures of the UN Commission on Human Rights: Should they be Scrapped?

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I. INTRODUCTION

This article provides a synopsis of the “special procedures” of the United Nations Commission on Human Rights (the “Commission”) through consideration of the following questions:

- what is meant by the “special procedures” of the UN Commission on Human Rights?
- how and why did special procedures develop and evolve?
- what is their relation to other procedures and organs?

Following this survey of the origin, development and present status of special procedures, the article considers whether special procedures are effective as a means of human rights protection and promotion or whether they should perhaps be scrapped.

II. WHAT IS MEANT BY THE “SPECIAL PROCEDURES” OF THE UN COMMISSION ON HUMAN RIGHTS?

The term “special procedures” refers to the ensemble of methods

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established since the mid-1960s, incrementally and on an *ad hoc* basis by the Commission on Human Rights and the Economic and Social Council (“ECOSOC”), to examine and report publicly on the human rights situation in particular countries (or territories) or thematically on human rights violations committed anywhere in the world (for example, on slavery or torture, etc.).

Special procedures concern particularly serious violations that require an urgent response. Actions taken through special procedures normally emanate from resolutions of the Commission, ECOSOC or the General Assembly, and are not legally binding. The Commission on Human Rights was created by ECOSOC and derives its legal authority from it. ECOSOC’s legal authority in turn derives from the provisions of Chapter X of the Charter of the United Nations, which establishes ECOSOC as a primary organ of the United Nations Organization. By Article 62(3) of the UN Charter, ECOSOC “may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence”.

Although the Commission’s activities, including those relating to special procedures, are not primarily “legislative” in character, they have nevertheless influenced significantly the elaboration, interpretation and implementation of international human rights law. Moreover, the resolutions of the Commission represent the will of its members and frequently reflect the concern of the international community at large. Thus, the implementation of Commission resolutions and decisions may hold particular significance as a means of exerting political pressure on Governments whose practice in the field of human rights is considered seriously out of line with international norms. Accordingly, special procedures mechanisms have been employed primarily to react to particular patterns of human rights violations with a view to highlighting the problem and seeking constructive solutions with the Government.

These monitoring and reporting functions have been carried out by the Commission through the appointment of a “special rapporteur”, “independent expert”, “special representative” or members of a “working group” to work on a particular country or theme. Ideally, these rapporteurs should be internationally recognized experts on the particular country or thematic mandates entrusted to them. Such experts are expected to exercise their functions impartially and independently of any undue governmental or other influence and to intercede with the Government at the highest level

on an urgent basis wherever human rights violations can be prevented.

Experts serve in an honorary and unpaid capacity. On the other hand, they are not obliged to incur out-of-pocket expenses for the carrying out of their mandatory duties. Accordingly, the United Nations arranges their travel to and from particular destinations as appropriate for the carrying out of their duties, such as the conduct of missions to particular countries to collect first-hand information or to consult with relevant Government officials, NGOs or other parties on the human rights situation there, or to Geneva for consultations, and provides a mission subsistence allowance to cover these periods.

Where the Government under consideration shows a spirit of cooperation with the Commission representative, according him or her unrestricted freedom to travel within the territory of the country to collect information and speak with anyone who may contribute to the effective implementation of the Commission mandate, naturally this is bound to lead to more constructive dialogue and positive action to redress the Government's shortcomings in the field of human rights.

Where the Government is not willing to cooperate with the Commission or its representatives, the application of special procedures may still be valuable as a way of putting the international spotlight on the Government's human rights practises. In some cases, such adverse attention may mobilize international public opinion and help nudge the Government towards a policy more in keeping with international human rights law. In other cases, the application of special procedures may not have a beneficial short-term effect; it may serve only to isolate the Government and strengthen the influence of political hard-liners in the country, thereby contributing indirectly to a worsening of the human rights situation.

III. OVERVIEW OF THE DEVELOPMENT OF SPECIAL PROCEDURES

In order to appreciate the role special procedures have played in human rights protection and promotion, and to consider whether they remain valuable, it is necessary to outline their origin and the main trends in their development. A number of works are available

which describe and assess the special procedures of the Commission on Human Rights in more detail than is attempted here.¹

A. From 1945 to 1980

Since its creation in 1945, the United Nations has received “communications” (i.e. petitions or complaints) from individuals concerning human rights violations.² A first response was taken on 16 February 1946 with the adoption of ECOSOC resolution 5(I) which created the UN Commission on Human Rights and gave effect to Article 68 of the UN Charter directing ECOSOC to “set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.”

ECOSOC resolutions 5(I) and 9(II) of 21 June 1946 authorized the Commission on Human Rights to submit proposals, recommendations and reports to ECOSOC concerning: an “international bill of rights”; “international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters”; “the protection of minorities”; “the prevention of discrimination on grounds of race, sex, language or religion”; and “any other matter concerning human rights not covered” by the foregoing elements. Further, resolution 5(I) provides that the “Commission shall make

¹ See e.g., Howard Tolley, *The UN Commission on Human Rights* (1987); David Weissbrodt, “The Three ‘Theme’ Special Rapporteurs of the UN Commission on Human Rights”, 80 *American Journal of International Law* (1986) 685–699; Parker and Weissbrodt, “Major Developments at the UN Commission on Human Rights in 1991” 13 *Human Rights Quarterly*, (1991) 573–613; Brody, Parker and Weissbrodt, “Major Developments in 1990 at the UN Commission on Human Rights”, 12 *Human Rights Quarterly* (1990) 559–588; Max van der Stoel, “Interview with Max van der Stoel, Special Rapporteur of the UN Commission on Human Rights on Human Rights in Iraq”, 10 *Netherlands Quarterly of Human Rights* (1992) 277–302; Philip Alston, “The Commission on Human Rights” in *The United Nations and Human Rights: A Critical Appraisal* (ed. Alston) (1992) at 126–210; Helena M. Cook, “The Role of the Special Procedures in the Protection of Human Rights: The Way Forward After Vienna”, 50 *Review of the International Commission of Jurists* (1993) 31–55; and Marc J. Bossuyt, “The Development of Special Procedures of the United Nations Commission on Human Rights”, 6 *Human Rights Law Journal* (1985) 179–210.

² See generally Trindade, “Coexistence and Co-ordination of Mechanisms of International Protection of Human Rights”, 202 *Hague Recueil* 1-435 (1987-II).

studies and recommendations and provide information and other services at the request of the Economic and Social Council.” However, resolution 5(I) did not confer upon the Commission any powers of investigation nor even a capacity to receive or examine communications from individuals.

In 1947, ECOSOC adopted resolution 75(V)³ which recognized the capacity of the Commission to receive communications submitted by individuals alleging violations of human rights. However, resolution 75 stated that the Commission had “no power to take any action in regard to any complaints concerning human rights”. Resolution 76(V) did the same with regard to the status of women.

The Universal Declaration of Human Rights, 1948, represents a landmark in human rights standard-setting, but does not oblige any UN organ or body to examine communications setting forth allegations of violations or confer upon the individual any other procedural avenue for redress.

In 1952, India introduced a draft resolution to the Commission to enable it to deal with the volume of human rights communications it had received since its creation. However, this draft resolution, as well as others to the same effect, in particular, one submitted by Egypt in 1953, and another by Greece in 1957, were not taken up by the Commission. Between the years 1956 and 1958, Argentina, Belgium, Israel and the Philippines raised the matter of renovating Commission procedures concerning the receipt of communications, but none of these initiatives were successful.⁴

In 1959 however, ECOSOC adopted resolution 728(F)(XXVIII),⁵ which put in place new procedures authorizing the Commission to compile and consult communications received, and to request Governments to reply. However, resolution 728 explicitly reiterates the resolution 75(V) proviso that the Commission had “no power to take any action in regard to any complaint concerning human rights”.

A forerunner of special procedures mechanisms was conducted in October 1963 with a mission to Vietnam by the representatives of seven States, led by the Chairman of the Commission, to look into the human rights situation of the Buddhist community. However, a

³ Adopted 5 August 1947.

⁴ See Trindade, *op. cit.* note 2 at 212–213.

⁵ Adopted 30 July 1959; see paras. 2(d) and (f); UN Doc. E/3290 (1959).

coup d'état took place on 1 November 1963 which removed the Government in power. Although the General Assembly concluded that the change in Government rendered the matter moot and therefore no further action was warranted, a precedent had been set.⁶

The first concrete set of special procedures developed by the Commission were those concerning human rights violations perpetrated by the apartheid Government of South Africa. The emergence of countries from the yoke of colonial domination resulted in a major expansion of the international community and brought about a fundamental change in the agenda of the United Nations, including the further development of the Commission's special procedures. Fine guarantees of civil and political human rights struck only a hollow note for peoples who for many decades had laboured under colonial domination and racist or segregationist rule from some countries which suddenly became self-styled human rights champions. Not surprisingly, the newly liberated countries, which found themselves a majority in the Commission, pushed for a closer examination of human rights practises in countries that still remained under colonial or racist rule. Individual communications had been reviewed by the Assembly's Special Committee on the Policies of Apartheid since 1961. By 1965, the Committee introduced a report to the Commission which detailed the pattern of systematic human rights abuse in southern Africa.⁷ On 6 March 1967, the Commission adopted resolution 2 (XXIII) creating a "Special Working Group of Experts on Southern Africa".

On 16 March 1967, with the adoption of resolutions 8 and 9 (XXIII), the Commission decided to consider on an annual basis the question of "the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories" and requested ECOSOC to provide to it and the Subcommission on Prevention of Discrimination and Protection of Minorities the authority "to examine information relevant to gross violations of human rights", and further, to study and investigate situations revealing a consistent pattern of human rights violations.

ECOSOC responded to the Commission's request, passing

⁶ Bossuyt, *op. cit.* note 1 at 185.

⁷ Tolley, *op. cit.* note 1 at 53.

resolution 1235 (XLII)⁸ which “takes note of the fact that the Commission on Human Rights, in its resolution 6 (XXIII) has instructed an *ad hoc* study group to study in all its aspects the question of the ways and means by which the Commission might be enabled or assisted to discharge functions in relation to violations of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions”. Resolution 1235 authorizes the Commission and Subcommission “to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in the Republic of South Africa and in the Territory of South West Africa...”. Worded in this way, the significance of resolution 1235 stretches beyond the human rights violations that were being perpetrated in southern Africa at the time and allows the Commission to refer to human rights violations in any part of the world in public sessions of the Commission – a significant step forward in the UN’s capacity to draw attention to human rights violations and apply pressure on Governments to respect international human rights standards. Moreover, paragraph 3 of resolution 1235 establishes “that the Commission on Human Rights may, in appropriate cases, and after careful consideration of the information thus made available to it ... make a thorough study of situations which reveal a consistent pattern of violations of human rights and fundamental freedoms” and make recommendations thereon to ECOSOC. The adoption of ECOSOC resolution 1235 opened the door to the development of special procedures concerning other regions of the world.

In 1969, another set of special procedures grew out of action initiated by the General Assembly, this time, to deal with the human rights situation in territories under Israeli occupation. By resolution 2443 (XXIII) of 19 December 1968, the Assembly reiterated its call upon “the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population inhabiting areas occupied by Israel and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949 in occupied territories”. In operative paragraph 1, the Assembly created a “Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories”, composed of the representatives of three Member

⁸ *Adopted* 6 June 1967.

States.⁹ Resolution 2443 requests the cooperation of the Government of Israel with the Special Committee, the Special Committee to report to the Secretary-General “as soon as possible and whenever the need arises thereafter”, and “the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.” The Special Committee continues to supervise the human rights situation in the occupied territories.¹⁰

From special procedures concerned with egregious human rights situations in specific countries grew a series of thematic mechanisms. Particularly significant in this regard was the response of the Commission and Sub-Commission to the human rights situation in Chile which contributed to the rise of thematic special procedures. Following the overthrow of the democratically elected Allende Government in Chile, the Sub-Commission adopted resolution 8 (XXVII) of 21 August 1974 which recommended to the Commission that it take up consideration of the human rights situation in that country. On 6 November 1974, the General Assembly lent its support to the Sub-Commission’s recommendation, and on 27 February 1975, the Commission adopted resolution 8 (XXXI) establishing the Ad Hoc Working Group to Inquire into the Human Rights Situation in Chile. A major concern of the Ad Hoc Working Group on Chile was the fate of missing persons in that country. Accordingly, by resolution 11 (XXXV) of 6 March 1979, two

⁹ The Committee was subsequently renamed the “Special Committee on Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories”.

¹⁰ In resolution 51/134 of 13 December 1996, entitled “Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories”, the General Assembly commended the Special Committee for its work, “Demands that Israel cooperate with the Special Committee in implementing its mandate”, “Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee” and *inter alia* “Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter”.

members of the Working Group were entrusted to devote their efforts to this matter.

B. From 1980 to 1998

In 1980, the membership of the Commission was expanded to 43 members and its sessions extended from four to six weeks. This change, along with shifts in the particular political proclivities of certain members, ended up ceding to the western group regained influence in the Commission's agenda:

The enlarged Western group formed an effective caucus that began meeting daily during the 1980 session. With 10 of the 43 seats, the Western group commanded a proportionately larger voting bloc in the Commission than in the General Assembly. The Non-Aligned Movement (NAM) [controlled] 63 percent of the Assembly votes, but only half in the Commission. Thus with occasional support from a few moderate NAM members and from Latin American and Asian governments outside the NAM, a more disciplined Western bloc succeeded in opening the Commission to new complaints and in drafting new standards on torture and religious intolerance.¹¹

These developments spurred a broadened focus within the Commission and an eventual proliferation in thematic special procedures. In almost every Commission session throughout the 1980's and 1990's, the Commission created new country and thematic mandates.

Following a request from the General Assembly, the Commission considered the question of disappearances in order to develop appropriate recommendations, and by resolution 20 (XXXVI) of 29 February 1980, created the Working Group on Enforced or Involuntary Disappearances, which represents a first step in the establishment of a number of special Commission procedures to deal with human rights violations committed anywhere in the world according to a particular theme. The most recent report of the Working Group, submitted to the Commission pursuant to resolution 1996/30, summarizes its terms of reference:

¹¹ Tolley, *op. cit.* note 1 at 101.

In addition to its original mandate, which is to act as a channel of communication between families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance. States are under an obligation to take effective measures to prevent and terminate acts of enforced disappearance, by making them continuing offenses under criminal law and establishing civil liability.¹²

In its conclusions and recommendations, the Report states that there were 43,980 cases of disappearances, many of which had remained outstanding and unclarified for more than 10 years.¹³ Between 1981 and 1994, the Working Group submitted 3,462 cases of forced disappearances that arose from Argentina's "Dirty War" – the ruthless military dictatorship that lasted from 1976 to 1983 – to the Government of Argentina, but received clarification only on 43 of these.

In 1980, the Commission took action with regard to the human rights situation in El Salvador, Equatorial Guinea, Bolivia and Guatemala. With regard to El Salvador, the General Assembly took

¹² Report of the Working Group on Enforced or Involuntary Disappearances; E/CN.4/1997/34 of 13 December 1996 at para. 2. The phenomenon of enforced or involuntary disappearances appears to be widespread. The Report contains information on allegations of such violations in Afghanistan, Algeria, Angola, Argentina, Bangladesh, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Chad, Chile, China, Colombia, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gambia, Greece, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Kuwait, Laos, Lebanon, Libya, Mauritania, Mexico, Morocco, Mozambique, Nepal, Nicaragua, Pakistan, Paraguay, Peru, Philippines, Russia, Saudi Arabia, Seychelles, South Africa, Sri Lanka, Sudan, Syria, Tajikistan, Togo, Turkey, Uganda, Uzbekistan, Venezuela, Yemen and Zaire (renamed the Democratic Republic of the Congo in March 1997).

¹³ The document symbol numbers of the Working Group's annual reports submitted to the Commission since 1980 are: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Corr.1 and Add.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Corr.1 and 2 and Add.1; E/CN.4/1995/36; and E/CN.4/1996/38.

the initiative in adopting resolution 32 (XXXVII) which requested the Commission to look into the human rights situation in that country. The Commission accordingly appointed a special rapporteur and retained supervision over the human rights situation in El Salvador for the next twelve years. In 1992, the Commission adopted resolution 62 which requested the General Assembly to appoint an independent expert, vested with a new mandate, to take over consideration of the human rights situation in El Salvador. As regards Guatemala, a special rapporteur was appointed by Commission resolution 33 (XXXVI), whose mandate has been renewed continually, most recently through resolution 1997/51. In 1980, the General Assembly adopted also resolution 23 (XXXIII) requesting the Commission to accept the invitation of the Government of Bolivia to examine the human rights situation in that country. As discussed below in Part IV(C) of this paper, Equatorial Guinea was first the subject of the ECOSOC resolution 1503 confidential procedure, but in 1979, came under the Commission's public consideration with the adoption of Commission resolution 15 of 13 March 1979. Resolution 15 entrusted to a special rapporteur the responsibility to undertake a thorough study of the human rights situation in that country and to report to the Commission at its upcoming session.¹⁴ In response to this report, the Commission adopted resolution 33 of 11 March 1980 which requested the Secretary-General to appoint an independent expert to continue examination of the situation in Equatorial Guinea.¹⁵

On 11 March 1981, the Commission appointed a special rapporteur on human rights and mass exoduses. In his report of December 1981, the Special Rapporteur urged the United Nations to develop an early warning capacity in order to stem the causes of mass exoduses.

On 7 May 1982, the adoption of resolution 35 by ECOSOC resulted in the appointment of a special rapporteur on Extrajudicial, Summary or Arbitrary Executions.¹⁶ The same year, the Commission adopted resolution 26 requesting the Secretary-General to study the

¹⁴ The Special Rapporteur duly submitted his first report on the situation in Equatorial Guinea to the Commission at its 1980 session, (E/CN.4/1371 and Corr. 1).

¹⁵ Commission resolution 33 was endorsed by ECOSOC decision 1980/137 of 2 May 1980.

¹⁶ The mandate on Extrajudicial, Summary or Arbitrary Executions has been renewed continually, most recently by Commission resolution 1997/61.

human rights situation in Poland following a deterioration in economic conditions throughout the country, persistent strikes and, with the imposition of martial law on 13 December 1981, the suspension of most civil and political rights.

In 1984, the Commission created a special rapporteur on Afghanistan by Commission resolution 55 to consider ways in which the human rights of the population could be protected prior to, during and after the withdrawal of foreign forces from the country.¹⁷ Since the 1979 Iranian revolution, various UN organs, including the Security Council, General Assembly, Commission and Sub-Commission, have expressed concern over the question of human rights in that country. At its 1984 session, the Commission appointed a Special Representative on Iran by resolution 54.¹⁸

In 1985, the Commission established a mandate on Torture, and Other Cruel, Inhuman or Degrading Treatment by resolution 33 and appointed a special rapporteur thereon. Since the compliance of States-Parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁹ is monitored by the Committee Against Torture, composed of ten experts serving in a personal capacity, it may be wondered whether the Commission should have created an extra-conventional mandate as well on torture, particularly given the principle *nec tertiis nec nocent nec prosunt*. However, the Special Rapporteur's role is important not only because torture is a particularly odious practise, but because the Torture Convention only binds States Parties to it. The Special Rapporteur's functions, if carried out properly, can be complementary to that of the Committee against Torture by reporting on State practice, including that of States which may not have signed or ratified the Torture Convention, as regards the observance of norms in general international law prohibiting torture.²⁰

In 1986, the post of Special Rapporteur on Religious Intolerance was created to consider cases and situations in which government action appeared to violate the relevant norms set out in the Declaration on

¹⁷ The mandate on Afghanistan was renewed at the Commission's 1997 session by resolution 65.

¹⁸ In 1997, the mandate on Iran was renewed by Commission resolution 54.

¹⁹ Adopted by the General Assembly on 10 December 1984, entered into force on 26 June 1987.

²⁰ In 1997, the Commission continued the mandate on torture by resolution 38.

the Elimination of All Forms of Intolerance and of Discrimination Based on Religion, 1981.²¹

In 1987, a Special Rapporteur on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of Peoples to Self-Determination was appointed pursuant to Commission resolution 16. At its 1995 session, the Commission expressed alarm “at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States”, expressed its position that action should be taken to prevent mercenaries from carrying out their activities and that States must cooperate to ensure their prosecution and punishment. In resolution 1995/5, the Commission called upon States to become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1989, extended the mandate of the Special Rapporteur for three years, and requested the Secretary-General to provide him with all necessary assistance in this regard.

The human rights situation prevailing in Romania was highlighted at the Sub-Commission through a report submitted by the Sub-Commission’s Special Rapporteur on Romania (E/CN.4/Sub.2/1989/41 and Add.1), entitled “A Special View of the Romanian Case”. On 9 March 1989, the Commission adopted resolution 75, recommending the appointment of a special rapporteur to look into the human rights situation prevailing in Romania. The Special Rapporteur submitted a report of 18 December 1989 for consideration before the 1990 Commission session. However, the rapidly changing events in Romania, in particular, the overthrow of the Ceausescu regime in the same month, impelled the Special Rapporteur to issue an addendum to his initial report (E.CN.4/1990/28/Rev./1). His report expresses serious concern about numerous cases of deaths or disappearances, torture or ill-treatment of persons in detention, arbitrary search and seizure, wire-tapping and gross violations of the right to the freedoms of movement, thought, conscience, religion and belief, among many others. Since the coup d’état in 1989 and the introduction of a new democratic constitution in 1991, Romania has initiated

²¹ The mandate on religious intolerance was created by Commission resolution 1986/20 and renewed most recently at the 1997 Commission by resolution 18.

a broad range of improvements in human rights protection and promotion.²²

In 1990, a special rapporteur was appointed with a mandate on the Sale of Children, Child Prostitution and Child Pornography, by Commission resolution 68.²³ At the same session, the Commission expressed the view that the Chilean democratic process augured in favour of restoration of the rule of law and the enjoyment of human rights, and therefore decided to end the mandate of the Special Rapporteur on Chile.²⁴

In 1991, the decision was taken to expand the membership of the Commission from forty-three to fifty-three at its upcoming 1992 session in order to correct the under-representation of the developing countries.

The Commission's Working Group on Arbitrary Detention was created in 1991 by resolution 42, composed of 5 experts with an initial mandate of three years, to investigate cases of detention imposed in a manner not conforming to internationally accepted legal standards as set out in the applicable international instruments binding upon the particular State in question.²⁵ In 1994, the mandate of the Working Group was extended for another three-year period.

Like those of the Working Group on Enforced or Involuntary Disappearances, the activities of the Working Group on Arbitrary Detention have expanded considerably. In resolution 1996/28, the Commission requested the Working Group on Arbitrary Detention to make any suggestions and recommendations it felt would enhance the effectiveness of its work, which the Working Group did in a

²² See the Human Rights Committee's Consideration of Reports Submitted by States Parties Under Article 40 of the International Covenant on Civil and Political Rights, 1966; CCPR/C/79/Add.30 of 5 November 1993.

²³ The mandate on the sale of children, child prostitution and child pornography was continued by the Commission in its 1997 session by resolution 78-III.

²⁴ Commission resolution 78 of 7 March 1990 entitled "Situation of Human Rights in Chile".

²⁵ By the end of 1996, the Working Group on Arbitrary Detention had submitted five annual reports to the Commission: E/CN.4/1992/20, E/CN.4/1993/24, E/CN.4/1994/27, E/CN.4/1995/31 and Add.1_4, and E/CN.4/1996/40 and Add.1.

report of 17 December 1996.²⁶ The Working Group expressed the opinion that its mandate covered cases not only of arbitrary detention prior to trial, but also of detention (whether administrative or judicial) enforced during and after trial in cases where the trial itself had been conducted outside international fair trial legal standards. Indeed, the Working Group explained in its report that it had already adopted this position in the exercise of its functions on the grounds that, *inter alia*:

...practically all the relevant international instruments accepted by Member States of the United Nations, as well as the regional instruments for the protection of human rights and in many cases the domestic legislation of States, fail to make any substantive distinction between the terms "detention" and "imprisonment".

At its 1997 session, by resolution 50, the Commission renewed the mandate, authorizing the Working Group to investigate "cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned".²⁷

Another important development in 1991 was the appointment of a special rapporteur on the situation of human rights in Iraq.²⁸ Also in 1991, the mandate of the Working Group on Southern Africa, originally created by General Assembly resolution 2 (XXIII) was substantially amended by Commission resolution 21.

A number of new mandates were created by the Commission in

²⁶ From January to December 1996, the Working Group had transmitted: "30 communications concerning 205 new cases of alleged arbitrary detention (12 women and 193 men) involving the following countries (the number of cases for each country is given in parenthesis): Albania (4), Bahrain (59), Colombia (1), Ethiopia (1), France (1), Gambia (35), Indonesia (22), Israel (1), Kuwait (1), Lebanon (2), Malaysia (9), Morocco (11), Mexico (9), Nigeria (5), Peru (5), Republic of Korea (2), Russian Federation (1), Syrian Arab Republic (22), Tunisia (1), Turkey (2), United States of America (2), Venezuela (6), Viet Nam (1) and Zaire (2)." See Report of the Working Group on Arbitrary Detention of 17 December 1996; E/CN.4/1997/4 and Add. 1-3.

²⁷ See Commission on Human Rights resolution 1997/50, para. 15.

²⁸ The mandate on Iraq was created by Commission resolution 1991/74 and has been continually renewed since, most recently in 1997 by Commission resolution 60.

1992. A special representative of the Secretary-General on Internally Displaced Persons was appointed.²⁹ The Commission requested the Chairman of the Commission “to designate the Special Representative appointed by the Secretary-General pursuant to its resolution 1991/68 as its Special Rapporteur to review and report on the situation of human rights in Cuba”.³⁰ Special rapporteurs were appointed for Equatorial Guinea³¹ and Myanmar³² and an “Independent Expert” for Haiti.³³

At the regular Commission session held in 1993, new mandates were created on: Freedom of Opinion and Expression;³⁴ Racism, Racial Discrimination and Xenophobia;³⁵ the human rights situation in Palestinian territories occupied by Israel since 1967;³⁶ and Sudan.³⁷ Also, the Commission created the mandate of an independent expert on the human rights situation in Somalia³⁸ “to assist the Special Representative of the Secretary-General for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot.”

The same year, a special emergency session of the Commission was convened in which a special rapporteur on the former Yugoslavia

²⁹ The mandate on internally displaced persons was created by Commission resolution 1992/73, has been renewed continually by the Commission, most recently by resolution 39 at the 1997 session.

³⁰ The mandate on Cuba was created by resolution 1992/61 and renewed in 1997 by resolution 62.

³¹ The mandate on Equatorial Guinea was created by Commission resolution 1992/79 and renewed most recently in 1997 by Commission resolution 67.

³² The mandate on Myanmar was created by Commission resolution 58, renewed in 1997 by resolution 64.

³³ The mandate on Haiti was created by Commission resolution 1992/77 and renewed continuously since, most recently by resolution 1997/52.

³⁴ The mandate on freedom of expression was created by Commission resolution 1993/45, renewed most recently by resolution in 1997/27.

³⁵ The mandate on racism was created by Commission resolution 1993/20, renewed most recently by resolution 1997/73.

³⁶ The new mandate on Palestinian territories under Israeli occupation since 1967 was created by Commission resolution 1993/A.

³⁷ The mandate on Sudan was created through Commission resolution 60, renewed most recently by resolution 1997/59.

³⁸ Commission resolution 1993/86, adopted on 10 March 1993, approved by ECOSOC decision 1993/282 of 28 July 1993.

was appointed.³⁹ In his first report, the Special Rapporteur dealt with the policy of ethnic cleansing and other serious human rights violations committed in the territory of the former Yugoslavia and highlighted the need to prosecute those responsible.⁴⁰

Also in 1993, the World Conference on Human Rights was convened in Vienna, the first major conference of plenipotentiaries since the Tehran Conference of 1968, to revisit *inter alia* the status of United Nations efforts in the protection and promotion of human rights and to make recommendations for improvement. However, some have commented that a number of Governments viewed the Vienna Conference as an opportunity to reduce the effectiveness of the UN human rights programme, and that:

... the rallying cry of some governments, during the preparatory discussions, of the need for streamlining, rationalization and avoidance of duplication within the current system, was in fact synonymous with an attempt to curtail and constrain the programme and especially the work of the special procedures, which are viewed, by these governments, as particularly intrusive.⁴¹

During the Conference itself, a Joint Declaration of the Independent Experts Responsible for the Special Procedures for the Protection of Human Rights⁴² was presented which observed that:

While [special procedures] have never been conceived as a 'system', the evolving collection of these procedures and mechanisms now clearly constitutes and functions as a system of human rights protection. ... [W]hat we do is render the international norms that have been developed more operative. ... The core of our work is to study and investigate in an objective manner with a view to understanding the situations and recommending to Governments

³⁹ The mandate on the former Yugoslavia was created through Commission resolution S-1/1, renewed in 1997 by Commission resolution 57-IX.

⁴⁰ See Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 14 of Commission resolution 1992/S-1/1 of 14 Aug. 1992, E/CN.4/1992/S-1/9, 28 August 1992.

⁴¹ See Cook, *op. cit.* note 1 at 32.

⁴² Joint Declaration, A/Conf.157/9 of 18 June 1993, presented to the Conference on 17 June 1993.

solutions to overcome the problem of securing respect for human rights.⁴³

The Joint Declaration recommended to the Conference that measures be taken to tighten coordination within special procedures mandates and better integrate special procedures within the larger framework of UN programmes. Some of these issues are discussed in Part IV below.

A number of important developments in special procedures took place in 1994. At the 1994 Commission session, in view of the great progress made in the dismantling of apartheid, the Members decided to replace the mandate on South Africa with a mandate entitled "Monitoring and Assisting the Transition to Democracy in South Africa".⁴⁴ The Commission's monitoring and investigatory functions of the situation were renewed by resolution 12, which requested the Ad Hoc Working Group of Experts in cooperation with the Special Committee against Apartheid to examine reports of "torture, ill-treatment and deaths of detainees, infringements of trade union rights" and the situation of women and children. Also in 1994, by resolution 41, a special rapporteur was appointed on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers for a three-year period⁴⁵ to look into the "increasing frequency of attacks on the independence of judges, lawyers and court officials and the link which exists between the weakening of safeguards for the judiciary and lawyers and the gravity and frequency of violations of human rights". By resolution 45, the Commission appointed a special rapporteur to monitor "violence against women, including its causes and its consequences" for a three-year period and invited her to seek and receive reliable information pertaining to this mandate, recommend measures at national, regional and international levels to eliminate violence against women and to remedy its consequences, working closely with other Commission and Sub-Commission special rapporteurs, special representatives, working groups and independent experts.

Responding to deteriorating conditions in the Great Lakes region

⁴³ *Ibid.* at 3.

⁴⁴ Resolution 1994/8, adopted without a vote, 18 February 1994.

⁴⁵ In 1997, the mandate on the independence of the judiciary was renewed for a further three years by resolution 23.

of Central Africa, the Commission welcomed the appointment by the Secretary-General of a Special Representative for Burundi,⁴⁶ invited the Chairman of the Commission to appoint a special rapporteur for Zaire (which has since been renamed the Democratic Republic of the Congo)⁴⁷ and considered the situation in Angola.⁴⁸

On 6 April 1994, a systematic programme of genocide targeting the Tutsi population as well as politically moderate Hutus, was launched by extremist Hutu elements in Rwanda. The country quickly became embroiled in civil war as Tutsi-dominated forces of the insurgent Rwandan Patriotic Front invaded Rwanda from the north, putting a stop to the massacres and taking control of Rwanda by mid-July 1994, but not before up to a million civilians were slaughtered. The turmoil in Rwanda had broken out after the Commission's regular 1994 session had been brought to a close. Mr. Ayala Lasso, the first High Commissioner for Human Rights who had taken office on 5 April, only a day prior to the outbreak of hostilities in Rwanda, urged the Commission to call a special session to consider what could be done. The third special session of the Commission was convened on 24 and 25 May 1994 to which the High Commissioner submitted a report on his mission to Rwanda of 11 and 12 May.⁴⁹ The High Commissioner's report suggested that a special rapporteur be appointed to "examine all human rights aspects of the situation, including root causes and responsibilities for the recent atrocities" and that he or she "be assisted in the collection and analysis of information by a team of human rights field officers acting in close cooperation with UNAMIR⁵⁰ and other United Nations agencies and programmes from within Rwanda, as well as from neighbouring countries where Rwandan refugees are located". A few days later,

⁴⁶ Commission resolution 1994/86 of 9 March 1994.

⁴⁷ Commission resolution 1994/87.

⁴⁸ Commission resolution 1994/89 of 9 March 1994.

⁴⁹ See Report of the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, on his mission to Rwanda 11-12 May 1994; UN Doc. E/CN.4/S-3/3 of 19 May 1994.

⁵⁰ "UNAMIR" stands for the United Nations Assistance Mission in Rwanda, a UN peace-keeping force that had been deployed to Rwanda pursuant to the Arusha Accords of 4 August 1993.

the Commission created the mandate for the Special Rapporteur on Rwanda.⁵¹

On 1 July 1994, the Security Council created a Commission of Experts on Rwanda by resolution 935 “to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission of Experts might obtain, through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur on Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide.” The High Commissioner was requested to provide all support to the Commission of Experts and the Special Rapporteur on Rwanda necessary for the carrying out of their duties. The High Commissioner’s action to launch the Human Rights Field Operation in Rwanda opened up the way for other field presences to be deployed in other countries, a development bound to exert a lasting influence on special procedures, as discussed below.

In 1995, the Commission created one further country mandate and one further thematic mandate. By resolution 1995/81, the Commission decided to appoint a special rapporteur with a mandate *inter alia* “to investigate and examine the effects of illicit dumping of toxic and dangerous products and wastes in African and other developing countries on the enjoyment of human rights”, “investigate, monitor,

⁵¹ Paragraphs 18 and 19 of Commission resolution S-3/1, adopted on 25 May 1994, and endorsed by ECOSOC (E/CN.4/S-3/4 of 30 May 1994), request the “Chairman to appoint a special rapporteur, for an initial period of one year, to investigate at first-hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, including on root causes and responsibilities for the recent atrocities, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights” and request “the existing mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Representative of the Secretary-General on internally displaced persons, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, as well as human rights treaty bodies, where appropriate, to give urgent attention to the situation in Rwanda and to provide, on a continuing basis, their full cooperation, assistance and findings to the Special Rapporteur and to accompany the Special Rapporteur in visiting Rwanda whenever necessary”.

examine and receive communications” on this matter and to produce yearly a list of countries and transnational corporations involved as well as a census on the number of persons “killed, maimed or otherwise injured in the developing countries through this heinous act”. The Commission also decided that a special rapporteur be appointed on the human rights situation in Burundi.⁵²

In 1997, in resolution 53, the Commission expressed its concern at Nigeria’s lack of cooperation and refusal to allow the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and on the Independence of Judges and Lawyers to conduct missions to Nigeria and invited the Commission’s Chairman to appoint a special rapporteur on Nigeria. The Commission also decided to end the mandate of the Special Rapporteur on Rwanda and to replace this position with that of a special representative, vested with a mandate “to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate”.⁵³

At the 1998 session, the Commission decided to appoint five new special rapporteurs or experts, all of whom were entrusted with mandates with a marked emphasis on various aspects of economic, social and cultural rights.

In resolution 24, the Commission recognized “that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development”, affirmed *inter alia* “that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order” and decided “to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights”.⁵⁴ In the same vein, in resolution 25 entitled “Human rights and extreme poverty”, the Commission decided to appoint an independent expert to evaluate *inter alia* “the

⁵² Commission resolution 1995/90 of 8 March 1995.

⁵³ Commission resolution 66 of 16 April 1997.

⁵⁴ Commission resolution 1998/24 of 17 April 1998 entitled “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.

relationship between the promotion and protection of human rights and extreme poverty”, “take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights”, make recommendations and proposals in the area of technical cooperation and to report on these activities at the next two sessions of the Commission.⁵⁵

In resolution 33, the Commission decided to appoint a special rapporteur with a very broad mandate on the right to education *inter alia* to “report on the status, throughout the world, of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right”, promote assistance to Governments in formulating and adopting urgent plans of action to implement the right to education, take gender considerations into account, in particular the situations and needs of the girl child, and promote the elimination of discrimination in education.⁵⁶ However, in resolution 33, the Commission requested the Secretary-General to provide the Special Rapporteur “all the assistance necessary for the execution of the mandate within existing overall United Nations resources”. In other words, as in many other instances, Commission members could arrive at the level of consensus necessary to create a very general and far-reaching mandate, but could not agree to provide the Special Rapporteur with adequate resources, thereby further overloading the already overburdened Office of the High Commissioner for Human Rights.

Also at the 1998 session, the Commission decided to appoint an expert to revise the draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and international humanitarian law with a view to according priority to the issues of restitution, compensation and rehabilitation.⁵⁷ In the same session, the Commission adopted resolution 72 on the right to development by which it created an open-ended working group to meet for five days for each of the next three years to monitor the promotion and implementation of the right to development, and invited the Chairman of the Commission to appoint an independent

⁵⁵ Commission resolution 1998/25 of 17 April 1998.

⁵⁶ Commission resolution 1998/33 of 17 April 1998.

⁵⁷ Commission resolution 1998/43 of 17 April 1998 entitled “The right to restitution, compensation, rehabilitation for victims of grave violations of human rights and fundamental freedoms”.

expert to present to the working group a study on the progress reached in this field.⁵⁸ The Commission could not agree to continue the mandate on the human rights situation in Cuba, which therefore lapsed. All other mandates were renewed at the 1998 session.

To sum up, from 1967 to 1980, the members of the Commission could agree to the renewal of mandates concerning only the particularly blatant cases of violations committed in southern Africa, the Israeli occupied territories and Chile. However, from 1980 to 1998, there was a veritable proliferation in country and thematic mandates along with significant expansion in the scope of special procedures to implement them. By the end of the 1998 Commission session, there were 53 mandates in total: 26 country mandates and 27 thematic mandates (see Annex).

IV. WHAT IS THE RELATION BETWEEN THE COMMISSION'S SPECIAL PROCEDURES AND OTHER PROCEDURES AND ORGANS?

A. Relation to Criminal Investigations of the Security Council or Secretary General into Allegations of Serious Violations of International Human Rights and Humanitarian Law

In particularly severe cases of human rights abuse, the Security Council has created a temporary organ to look into the possibility of enforcing criminal responsibility under international law for the violations. Such organs may have a close relation to special procedures. In the cases of the former Yugoslavia and Rwanda, the Security Council acted pursuant to Chapter VII of the Charter and created Commissions of Experts to enquire into the question of criminal responsibility under international law for alleged violations of international human rights and humanitarian law.⁵⁹

With the weight of the Security Council's legally binding authority in these cases, the Commissions of Experts were able to gather and receive much information from credible sources which could be passed on to the respective Special Rapporteurs for their reference

⁵⁸ Commission resolution 1998/72 of 22 April 1998.

⁵⁹ See Security Council resolution 780, adopted on 6 October 1992 creating the Commission of Experts for the Former Yugoslavia, and Security Council resolution 935 (1994) on 1 July 1994 which did the same with respect to Rwanda.

and use. Conversely, the Special Rapporteurs could provide information they had collected, some of which could prove to be of background relevance in helping to establish patterns of violations and a basis to pursue the issue of individual criminal responsibility.

B. Relation to the Secretary-General and the General Assembly

The relation between the Secretary General and Commission special procedures is illustrated particularly well in the case of the recent deployment of an investigative mission to the Democratic Republic of the Congo to look into reports of massacres allegedly perpetrated by forces of the insurgent Alliance of Democratic Forces for the Liberation of Congo/Zaire under the leadership of Laurent Desiré Kabila. The Alliance forces launched a large-scale insurgency in September 1996 and ultimately succeeded in taking over the country and forming the Government.

The Commission adopted resolution 1997/58 on the human rights situation in Zaire,⁶⁰ which expressed concern over “the armed conflict in eastern Zaire, and at the high number of civilian casualties, as well as at the widespread lack of respect for human rights and international humanitarian law by all parties”. The resolution further requested “the Special Rapporteurs on the situation of human rights in Zaire and on Extrajudicial, Summary or Arbitrary Executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996”. However, the Government ultimately decided not to allow the Commission’s joint mission to enter the territory. With the personal intervention of the Secretary-General with Mr. Kabila, the Government found it possible to allow into the territory of the Democratic Republic of the Congo an investigative team deployed under the Secretary-General’s authority, but then raised many obstacles to prevent it from carrying out its work. At the time of the writing of this article, after having spent more than six weeks in Kinshasa, and blocked from investigating sites of alleged massacres,

⁶⁰ Kabila’s Government subsequently renamed the country the “Democratic Republic of the Congo”.

the team was recalled by the Secretary-General to New York for consultations and its capacity to investigate remained uncertain.

While the support of the Secretary-General or Security Council to the Commission's efforts to ascertain facts and responsibilities for systematic violations of international criminal law may prove helpful to overcoming the Government's recalcitrance or outright refusal to cooperate, in some situations such as that concerning the Democratic Republic of Congo, some Special Rapporteurs gave indications that they felt their efforts had been prematurely eclipsed by the Secretary-General.

As discussed in Part III above, in some cases the Secretary-General or General Assembly has requested the Commission to consider the human rights situation in a particular country or according to a particular theme. The relevant resolution may require the special rapporteur, expert or working group as it may be, to report just to the General Assembly, or to both the Commission and the Assembly. In other cases, the particular resolution in question may require the Secretary-General to report to the Commission or General Assembly upon the matter under consideration.⁶¹ Of the 49 mandates emanating from the 1997 Commission session, 8 thematic and 10 country mandates have been entrusted to the Secretary-General.

C. Relation to ECOSOC Resolution 1503 Procedures

An important set of procedures of the Commission on Human Rights, separate but related to special procedures mechanisms, are those established pursuant to ECOSOC resolution 1503. In 1969, the Sub-Commission on Prevention of Discrimination and Protection of Minorities – the primary subsidiary body of the Commission (and which has since been renamed the “Sub-Commission on the Promotion and Protection of Human Rights) – developed a draft set of procedures for the confidential consideration of human rights communications, which it submitted to the Commission. By resolution 17 (XXV) of 17 March 1969, the Commission submitted to ECOSOC a draft entitled “Procedure for dealing with communica-

⁶¹ For a list of reporting requirements in resolutions emanating from the Commission on Human Rights session held in 1997, see Annex.

tions relating to violations of human rights and fundamental freedoms". On 27 May 1970, ECOSOC adopted resolution 1503 (XLVIII) which incorporated the main provisions of this draft.

Resolution 1503 requests the Sub-Commission to consider the communications in private meetings "with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission". Under resolution 1503, the Commission is obliged to examine any situation referred to it by the Sub-Commission and to determine whether "it requires a thorough study by the Commission and a report and recommendations", whether it should become the subject of the public procedures under paragraph 3 of resolution 1235 (XLII), or whether "it may be a subject of an investigation by an *ad hoc* committee to be appointed by the Commission which shall be undertaken only with the express consent of the State concerned and shall be conducted in constant co-operation with that State and under conditions determined by agreement with it" in cases where: a) all domestic remedies have been exhausted; and b) the situation is not already being handled by other UN procedures provided for by a convention. For a closer look at the 1503 procedures, the reader may turn to Maria Francisca Ize-Charrin's contribution to the present volume.

The relation between special procedures and other Commission procedures was raised by the cases of Chile and Equatorial Guinea in 1980. The human rights situation in Chile became subject to consideration under both the 1503 and 1235 procedures, which implied complementarity between the two mechanisms. The case of Equatorial Guinea had come under the Commission's consideration through the resolution 1503 confidential procedures, but was then transferred to the resolution 1235 public procedure.⁶² Trindade summarizes the debate that ensued over the proper relation between the Commission's resolution 1235 (special) procedures and resolution 1503 procedures:

On the one hand, it was argued that a situation which was being considered under the 1503 confidential procedure could not at the same time be considered under the 1235 public procedure; on the other hand, it was maintained that the adoption of ECOSOC resolution 1503 was meant to expand, rather than to limit, the

⁶² *Ibid.*

possibilities or means of action open to the Commission on Human Rights, and the Commission could consider under the 1235 public procedure the same situation (in the same country) which was considered under the 1503 confidential procedure providing that there would be no mention of, or reference to, confidential materials and decisions of the 1503 procedure. The latter view then prevailed (in 1979).⁶³

The Commission's response to the situation in these countries ensured that the two sets of procedures would strengthen each other rather than put them at cross-purposes. It also militated in favour of increased coordination within the UN human rights programme and to some degree, may have reduced redundancies within the activities of the Centre for Human Rights.

D. Relation Among Special Procedures

The Joint Declaration of the Independent Experts Responsible for the Special Procedures for the Protection of Human Rights⁶⁴ advocated that special procedures be enhanced and harmonized in three main ways, namely, within the cadre of special procedures itself, between special procedures and supervisory bodies that have been set up by multilateral treaty, and between special procedures and the wider UN system as a whole. In 1994, in line with this recommendation, the Centre for Human Rights arranged for the special rapporteurs, experts, etc. to meet in Geneva to consider measures for greater harmonization and coordination among them. The meetings have been repeated on an annual basis since then. Meetings were also arranged between a representative of the special rapporteurs and the Secretary-General to consider better coordination within the larger UN framework.

At their 1996 meeting, the special rapporteurs, representatives, experts and working groups observed that there had been increased coordination between themselves and treaty bodies, but cited a lack of financial resources as one obstacle to further increasing the

⁶³ Trindade, *op. cit.* note 2 at 226.

⁶⁴ Joint Declaration, *op. cit.* note 42 at 5 *et. seq.*

presence of special rapporteurs in treaty body meetings.⁶⁵ The special rapporteurs expressed also their concern that they should become more involved in urgent actions taken by treaty bodies to respond immediately to cases of human rights abuse so as to avoid duplication and inconsistencies between various UN human rights organs.⁶⁶

The participants recommended that the High Commissioner for Human Rights initiate stronger links with other UN bodies or agencies with a view to tightening coordination.

E. Relation to the Human Rights Field Operations Conducted Under the Auspices of the High Commissioner for Human Rights

Perhaps the most important initiative taken by the first High Commissioner for Human Rights was to develop the technique of human rights field operations under the auspices of his Office, which had the effect of invigorating the implementation of a number of special procedures mandates.⁶⁷ In the 1980s, human rights officers were deployed to El Salvador, Guatemala, Haiti and Cambodia within the context of UN peace-keeping operations and run by the Department of Peace-Keeping Operations in New York. The High Commissioner for Human Rights brought human rights field presences under the coordinating umbrella of his Office and deployed field officers in Rwanda, the former Yugoslavia, Burundi, the Democratic Republic of the Congo, Angola, Abkhazia/Georgia and Colombia, serviced by the Centre for Human Rights in Geneva.

The first human rights field presence launched by the High Commissioner was that of the Human Rights Field Operation in Rwanda, deployed in September 1994 to carry out a long-term strategy in the implementation of international human rights standards. The mandate of the Field Operation in Rwanda was specifically

⁶⁵ See Report of the Meeting of Special Rapporteurs/Representatives Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme, Geneva, 28–30 May 1996; E/CN.4/1997/3 of 30 September 1996.

⁶⁶ See Report of the Meeting of Special Rapporteurs/Representatives Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme, Geneva, 28–30 May 1996; E/CN.4/1997/3 of 30 September 1996.

⁶⁷ Pursuant to the Vienna Declaration and Programme of Action in the Field of Human Rights, concluded 25 June 1993.

designed to investigate the genocide, monitor ongoing human rights violations, help to reestablish confidence within Rwanda with a view to the return of refugees in conditions of safety and dignity, and to rehabilitate the administration of justice through a programme of technical cooperation.

The continuous work of a field presence in a given country to monitor the human rights situation and work with the Government at all levels on a daily basis provides special rapporteurs concerned with a much more comprehensive picture than could be gained through missions lasting one or two weeks to the country or region concerned. On the other hand, Government Ministers and officials may perceive a Commission representative, particularly those of noted stature and reputation, to be a more valuable interlocutor on policy issues, in comparison to the human rights officers who may comprise the field presence.

There is thus a natural symbiosis between human rights field presences on the one hand, and thematic and country special rapporteurs on the other. Given the sheer scale and severity of human rights violations in Rwanda or the former Yugoslavia, to take examples, no single special rapporteur, independent expert or other individual could do much alone to monitor and report on the human rights situation, much less, to propose meaningful and realistic recommendations with a view to remedial action. On the other hand, the tasks of human rights protection and promotion undertaken by the field presence on the ground could benefit from the analysis and objectivity brought by such an expert as the Special Rapporteur on the Former Yugoslavia or the Special Representative on Rwanda.

With the proliferation of special procedures mechanisms in the 1980's and 1990's, technical cooperation and special procedures activities of the Centre for Human Rights had become to a certain extent mutually exclusive institutionally. While the former dealt with promotional activities in the field of human rights, the latter concentrated on human rights monitoring. In many cases, their activities concerned the same countries but often were uncoordinated. These unnecessarily complex wrinkles were exacerbated when the Centre for Human Rights was slow in aligning itself institutionally with the newly appointed High Commissioner for Human Rights in 1994.

In their Geneva meeting to discuss coordination issues, the special rapporteurs underlined the need to ensure that the work of the field presences and the relevant country and thematic rapporteurs avoid redundancies and considered how restructuring of the Office of the

High Commissioner/Centre for Human Rights might help or hinder in this regard.⁶⁸

F. The Effect of the Restructuring of the Office of the High Commissioner

In October 1994, the High Commissioner initiated a restructuring of the Office of the High Commissioner/Centre for Human Rights with a view to strengthening the protection and promotion of human rights throughout the UN system. In September 1997, the Secretary-General's proposals on United Nations reform formalized this process by technically eliminating the "Centre for Human Rights" and bringing all its organs into a unified "Office of the High Commissioner for Human Rights" directly under the authority of the High Commissioner.

The restructuring process was intended to respond to the new challenges in the human rights field identified in the Vienna Declaration and Programme of Action. A new management structure with three new units was introduced to help integrate and streamline human rights protection and promotion activities and eliminate unnecessary duplication and inconsistencies. The new structure comprises an Activities and Programmes Branch, a Support Services Branch and a Research and Right to Development Branch.

The Activities and Programmes Branch is responsible for: the provision of advisory services and technical cooperation projects; the delivery of lectures and training courses; the planning, support and evaluation of activities and missions; the implementation of the UN Decade for Human Rights Education Programme of Action and information activities related to the Third Decade to Combat Racism and Racial Discrimination and the International Decade for the World's Indigenous People; and support to "special rapporteurs, special representatives, experts and working groups mandated to deal with situations or types of alleged violations of human rights". The new Activities and Programmes Branch unified the Special Procedures and Technical Cooperation Branches which had existed prior to the

⁶⁸ See Report of the Meeting of Special Rapporteurs/Representatives Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme, Geneva, 28-30 May 1996; E/CN.4/1997/3 of 30 September 1996.

restructuring and such, remains the main implementing unit for the conceptualization, planning, launching and support to human rights field presences. This mega-branch thus incorporates all special procedure mechanisms as well as the bulk of technical cooperation activities, integrating and coordinating them around a series of country and regional desks.⁶⁹

The Research and Right to Development Branch promotes and protects the right to development, provides “substantive analysis and support to the High Commissioner in his [or her] mandate to enhance system-wide support for the right to development”; carries out research on the entire range of human rights issues of concern to UN human rights bodies, and provides policy analysis on standard-setting and substantive procedures.

The Support Services Branch plans, prepares and services the meetings of the Commission on Human Rights, the Subcommission and working groups and five treaty bodies, (the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child) including the examination of individual complaints addressed to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, 1966. It also processes communications received under the resolution 1503 procedure discussed above.⁷⁰

The Commission on Human Rights, driven primarily by relatively short-term political considerations, has devoted its attention to certain human rights issues and country situations on an *ad hoc* basis. Not surprisingly, as the Secretariat for the Commission, the Centre for Human Rights developed over several decades incrementally and on an *ad hoc* basis to meet the priorities set by Commission resolutions. While this approach had the advantage of flexibility, it could not address sustained human rights problems comprehensively or systematically.

A consequence of the chaotic development of the UN human

⁶⁹ See the Programme Budget for the Biennium 1996–1997: Restructuring the Centre for Human Rights, Report of the Secretary-General; A/C.5/50/71 of 17 June 1996.

⁷⁰ *Ibid.*

rights programme over time was that individual staff members in the Centre had become accustomed to working in a highly complex and compartmentalized administrative structure beset by duplication, a lack of coordination and unguided by a clear and unified political orientation. In this kind of milieu, it was of course difficult for staff to keep aware of the other elements of the human rights programme.

The transition from a structure dictated by outdated administrative priorities, to one better positioned to respond more directly to real human rights needs in the world, represents a monumental step in the right direction. This approach forces the Office of the High Commissioner to respond (and as important, to justify its response) to situations and issues in a coherent way taking into account particularities in a country or region. No doubt, as the new structure becomes better grounded both administratively and in the consciousness of staff members, it will dissipate many barriers to coordination and reduce compartmentalization as well. Moreover, as other actors in the international community served by the Office of the High Commissioner (Governments, international intergovernmental organizations, other parts of the UN, NGOs, etc.) sense the more rationalized approach by the Office to human rights protection and promotion, their confidence in this valuable source of knowledge, expertise and information is likely to grow, however, this remains to be seen.

The restructuring can only be considered a first step. It cannot by itself create the global awareness necessary for all staff members to perform their functions more effectively. The highly multi-faceted character and complexity of the UN human rights programme will not be made more comprehensible either to those inside or outside the United Nations merely because of the present restructuring. While the provision of sorely needed additional personnel and resources would definitely help the Office function more effectively, this would not address the problem explained below.

At this juncture, the Office of the High Commissioner for Human Rights is in danger of moving from a structure that was primarily *ad hoc*, retrospective, uncoordinated and unsystematic, to one that is primarily *ad hoc*, retrospective, coordinated and systematic. In other words, implementation of the human rights programme in the new structure is more coordinated and even more systematic, but still *ad hoc* and retrospective in the sense that it remains reactive, rather than forward looking or preventive. To put it in still other words, instead of responding in an uncoordinated and unsystematic way to

violations that have been perpetrated, the new structure can now take a more coherent approach to past violations and even offer technical cooperation programmes in a more coordinated fashion. However, from the point of view of the international community, the Office's approach to a given human rights problem may still appear unpredictable, without a clear sense of priorities or comprehensive vision as to why one or other technique in human rights protection or promotion has been selected over another.

Further encouragement for the streamlining of the human rights programme came from the Commission itself during its 1998 session with agreement to include in future Commission agenda an item entitled "Rationalization of the work of the Commission".

Early on in her tenure as new High Commissioner for Human Rights, Mrs. Mary Robinson, former President of Ireland, who took up her duties in September 1997, introduced a number of initiatives intended to tackle these problems. First, the High Commissioner has tried to ensure transparency in the direction, means and methods of the UN human rights programme and to avoid the entanglement of issues in bureaucratic turf battles. Second, she has fostered a wider awareness of the Office's work and direction through internal circulation of daily management decisions within the Office and holds extensive consultations with Governments, international organizations, agencies and NGOs to broaden this consciousness. Third, and perhaps the most far reaching, the High Commissioner has raised significantly the profile of her Office through the timely release of press statements on urgent human rights matters through the media and the Office's Internet page. Fourth, perhaps equally important, as part of her efforts to ensure that human rights figure high on the UN's humanitarian and peace-keeping agenda, the High Commissioner has instituted the practise of close cooperation and coordination with other major UN players through personal attendance at periodic meetings of the UN's Executive Committee for Humanitarian Affairs.

V. ARE SPECIAL PROCEDURES AN EFFECTIVE MEANS OF HUMAN RIGHTS PROTECTION AND PROMOTION OR SHOULD THEY BE SCRAPPED?

The question as to whether special procedures should be scrapped is not merely a rhetorical one. Recently, some State representatives have contended special procedures place far too much emphasis on

the articulation and monitoring of civil and political rights. In this view, special procedures have been used primarily as propaganda tools by the western Powers to berate countries in other regions for violations of concern only to the West, ignoring the serious economic disadvantages and cultural differences of other countries and indulging in politically motivated condemnation at the expense of constructive engagement and dialogue.

At the 1997 Commission session, a draft resolution was put forward by Bangladesh, China, Cuba, Egypt, Iran, Indonesia, Malaysia, Nigeria, Pakistan, Philippines and Sri Lanka⁷¹ noting that:

“the Committee on Economic, Social and Cultural Rights has highlighted the imbalance in the special rapporteur system by referring to the fact that although there are a large number of thematic and related mechanisms dealing with different aspects of civil and political rights, there is none dealing solely with the economic, social and cultural rights recognized in the International Covenant on Economic, Social and Cultural Rights, despite the recognized interdependence, indivisibility and interrelationship of the two sets of rights”.

The draft resolution proposed that the Commission undertake a comprehensive review of special procedures as well as the creation of “an open-ended working group and requests the Secretary-General to submit a comprehensive report to the inter-sessional working group containing specific proposals for rationalization”.

Others have questioned whether special procedure mechanisms actually produce tangible results either to prevent violations from being perpetrated or to bring ongoing violations to an end in particular instances where admittedly there are serious human rights problems.

On top of these questions, one may add the argument that special procedures can be valuable only where the Government is receptive to criticism in the first place. Therefore, the argument goes, the Commission’s special procedures will be more effective where they are least needed and less effective where they are most needed.

There should be no doubt that the special procedure mechanisms

⁷¹ See E/CN.4/1997/L.87 of 10 April 1997, entitled “Review of the Special Procedures System”.

could stand vast improvement. As described above, special procedures mandates and mechanisms have expanded in number and scope, giving rise to complex problems of coordination. Almost every session of the Commission convened since 1980 has resulted in new mandates and the appointment of new special rapporteurs or experts to implement them. Because the mandates and procedures have developed on an *ad hoc* basis in relation to a wide range of countries and human rights themes over many years, they remain more an accumulation of separate procedures rather than a recognizable system, despite the special rapporteurs' Joint Declaration to the Vienna Conference qualifying them as a system.

It is also indisputable that some special rapporteurs bring a much higher level of expertise and exercise their functions much more diligently than others. Moreover, some special rapporteurs appear to feel that, as they are not paid for their functions, they may rely very heavily on the Secretariat to research and draft the reports produced in their name. As a result, reports requiring a high level of analytical expertise may end up being drafted largely by a staff member with insufficient qualifications to do so and without adequate guidance or supervision from the special rapporteur.

To become more efficient, special procedures must be further rationalized and harmonized. While the mandates and activities of the Commission's special procedures have grown and intensified, special rapporteurs have had to carry out their duties with the support of an inadequate number of staff. It therefore remains an open question whether improvements in efficiency and coordination through the restructuring process of the Office of the High Commissioner for Human Rights will suffice. Reformation of administrative and functional structures in the new Activities and Programmes Branch may be a *conditio sine qua non* for more coherent and coordinated UN human rights efforts, but it is unlikely that the increasing demands on the Office of the High Commissioner for Human Rights can be met with roughly the same resources as it had prior to the restructuring and still maintain a high level of quality. Unless adequate support is made available to the High Commissioner's Office, it will be hard not to agree in future with the sentiments voiced by the special rapporteurs in their Joint Declaration to the Vienna Conference:

Despite our best efforts, we sometimes appear ineffective in critical situations simply because the most basic support structure is not available, or because of inexcusably bureaucratic attitudes in

administrative and budgetary offices of the Secretariat. How can we allow piles of individual cases to lie unprocessed and unanswered because of inadequate human and material resources? If this continues, what will be the meaning of the catalogue of standards? Moreover, in terms of financial resources, what we are speaking about seems almost ridiculous given the minimal sums at stake compared with the overall resources of the United Nations.⁷²

Increased material, administrative and professional resources commensurate with the increased work load of the human rights programme are needed.

Certain Governments, particularly those demonstrating total disregard for human rights standards, probably think the Commission's special procedures should be done away with entirely and regret these procedures ever attained such a high stature. After all, the scrutiny special procedures bring about can seriously damage the image and reputation of a Government and impair its diplomatic relations with other Governments, particularly with those that may link trade relations with respect for human rights and the rule of law. In such cases, the interests of the outcaste Government to avoid outside pressure is all too apparent, and consequently, its complaints about special procedures are not likely to garner much sympathy from the larger international community.

A much more serious threat to the special procedures system arises from Governments which may respect human rights generally, but have come under the scrutiny of one or other special procedure mechanism for serious shortcomings in a particular area. Some such Governments push strongly for any "improvements" that put all or some special procedure mechanisms on a tight leash, and unfortunately, chronic administrative and budgetary weaknesses have made the human rights programme easy prey. Rather than to bring their laws and practises into better conformity with international human rights law, more than a few Governments seem to wish to turn the clock back in the history of the Commission's special procedures, and advocate relegating the Commission's special procedure mechanisms to a less active, even silent, role.

Both the maintenance of international peace and security and the protection and promotion of "respect for human rights and for

⁷² Joint Declaration, *op. cit.* note 42 at 5.

fundamental freedoms for all without distinction as to race, sex, language or religion” are expressed as basic principles and purposes of the United Nations Organization in Article 1 of the Charter. At the time of the drafting of the UN Charter, it was recognized that where the basic human rights of individuals and groups are disregarded, deep-seated resentment and bitterness may fester and eventually erupt into armed hostilities and even full-scale war. The human and material costs involved in war and its aftermath are inevitably far greater than the comparatively minor quantities of time, money and effort spent by the international community to encourage Governments to respect international human rights and the rule of law and to prevent conflict arising from serious violations of human rights and humanitarian law.

The complaints of some Governments that special procedures over-emphasize civil and political rights contain an important element of truth. It is no doubt more difficult for a government to provide good governance in a country where widespread poverty encourages corruption and erodes State institutions, including the rule of law and respect for human rights. Obviously, where the basic survival of the individual or group is a daily struggle, respect for law and human rights is more difficult to secure and develop. Certainly, the great disparities among peoples, Governments and States of the world, in income, wealth and opportunity, must always be taken fully into account. The rich and powerful who can afford certain luxury standards of rights and freedoms cannot claim a monopoly on morality or truth, using their ethical gauges to find every other inferior.

On the other hand, this point, important as it is, should not be magnified to obscure another more basic one. Special procedures have focused almost entirely on the more serious violations of international human rights law. Genocide, summary executions, torture, forced disappearances, slavery, racism and the many other kinds of violations perpetrated on a systematic basis or on a mass scale, are simply not excusable by any appeal to cultural norms, no matter where committed or by whom. The upshot is that a Government’s claim that it is unable to observe international human rights law because of serious economic disadvantage can only be accepted to a point. Considerations of economic, territorial or political security, cannot justify or excuse serious human rights violations.

The *ad hoc* character of special procedures has allowed the international community to deal relatively quickly and flexibly with

human rights issues of concern as they have arisen. Special procedures should not be scrapped, but transformed. The restructuring of the Office of the High Commissioner for Human Rights holds promise for enhancing unity and integration in the UN's human rights protection and promotion efforts generally, and with regard to special procedures, a more coordinated approach among special procedures and between special procedures and other mechanisms. Ultimately however, these efforts must be accorded the resources they require to function effectively. Without such material support, the yawning gap between the lip service most Governments customarily pay to norms protecting human rights and their actual observance will remain.

The underlying principle basic to special procedures continues to be shared by all peoples of the world: that is, we ought to do our utmost to assist others in need, and we ought to act urgently and collectively to protect any individual suffering from, or at risk of, murder, torture, enslavement, or any other serious violation of human rights or humanitarian law. No one suffering from any one of the serious kinds of violations of concern to special procedure mechanisms would argue against them. The value of special procedures, as internationally recognized means by which to supervise adherence to universal human rights standards, lies in their focus on the individual or group suffering from human rights abuse, and on their capacity to exert pressure on the Government responsible for the violations.

Annex

The list below indicates the composition of working groups, special rapporteurs, special representatives or independent experts with their reporting responsibilities pursuant to the resolutions of the 1998 Commission on Human Rights.

ACTIVITIES AND PROGRAMMES LIST OF MANDATED REPORTS

I. THEMATIC MANDATES

A. Groups

		<i>Duration of mandate</i>
<i>Working Group on enforced or involuntary disappearances</i> (CHR res. 1998/40)	5 members Independent Experts	1 main report (2001) 1 country rep. CHR
<i>Working Group on arbitrary detention</i> (CHR res. 1998/41)	5 members Independent Experts	1 main report (2000) 2 country reports CHR

B. Special Rapporteurs

<i>Extrajudicial, summary or arbitrary executions</i> (CHR res. 1998/68)	Special Rapporteur Mr. B.W. Ndiaye (Senegal)	1 report 53rd G.A. (2001) 1 main report 3 country rep. CHR
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<i>Independence of judges and lawyers</i> (CHR res. 1998/35)	Special Rapporteur Mr. P. Cumaraswamy (Malaysia)	1 main report (2000) 2 country rep. CHR
<i>Torture and other cruel, inhuman or degrading treatment</i> (CHR res. 1998/38)	Special Rapporteur Mr. N. Rodley (U.K.)	1 main report (2001) 3 country rep. CHR 1 Report G.A. (Oral)
<i>Internally displaced persons</i> (CHR res. 1998/50)	Representative of S.G. Mr. F. Deng (Sudan)	1 Main report (2001) 3 country rep. CHR
<i>Religious Intolerance</i> (CHR res. 1998/18)	Special Rapporteur Mr. A. Amor (Tunisia)	1 Report G.A. (2001) 1 Main report 2 country rep. CHR
<i>Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination</i> (CHR res. 1998/6) (G.A. res. 52/112)	Special Rapporteur Mr. E. Bernales-Ballesteros	1 Report G.A. (2001) 1 Main report 2 country rep. (Peru) CHR
<i>Freedom of opinion and expression</i> (CHR res. 1998/42)	Special Rapporteur Mr. A. Hussain (India)	1 Main report (1999) 3 country rep. CHR
<i>Racism, racial and xenophobia</i> (CHR res. 1998/26 IV)	Special Rapporteur Mr. M. Glele-Ahanhanzo (Benin)	1 Report G.A. (1999) 1 Main report 3 country rep. CHR
<i>Sale of children, child prostitution and child pornography</i> (CHR res. 1998/76-III)	Special Rapporteur Mrs. O. Calcetas-Santos (Philippines)	1 Report G.A. (2001) 1 Main report 2 country rep. CHR
<i>Elimination of violence against women</i> (CHR res. 1998/52)	Special Rapporteur Mrs. R. Coomaraswamy (Sri Lanka)	1 Main report (2000) 3 country rep. CHR

<i>Effects of toxic and dangerous products on enjoyment of human rights</i> (CHR res. 1998/12)	Special Rapporteur Ms. F.Z. Ksentini (Algeria)	1 Main report (2001) 2 country rep. CHR
<i>Protection of children affected by armed conflict</i> (GA. res. 52/107) (chr RES. 1998/76)	Special Representative Mr. O. Otunnu (Côte d’Ivoire)	1 Report G.A. (2000) 1 Report to CHR
<i>Special Rapporteurs meeting</i> (CHR res. 1998/74)		1 Report to CHR

II. COUNTRY MANDATES

A. Groups

			<i>Duration of mandate</i>
Special Committee to Investigate Israeli Practices Affecting the Palestinian People and Other Arabs of the Occupied Territories (G.A.res.52/64)	3 members (Repres. of Malaysia, Senegal & Sri Lanka)	3 Periodic reports GA	(1998)

B. Special Rapporteurs

<i>Afghanistan</i> (CHR res. 1998/70)	Special Rapporteur Mr. Ch. H. Paik (Rep. Korea)	1 Report G.A. (1999) 1 Report CHR
<i>Equatorial Guinea</i> (CHR res. 1998/71)	Special Rapporteur Mr. A. Artucio (Uruguay)	1 Report CHR

<i>Islamic Republic of Iran</i> (CHR res. 1998/80)	Special Representative Mr. M. Copithorne (Canada)	1 Report G.A. (1999) 1 Report CHR
<i>Iraq</i> (CHR res. 1998/65)	Special Rapporteur Mr. M. van der Stoep (Netherlands)	1 Report G.A. (1999) 3 Report CHR
<i>Myanmar</i> (CHR res. 1998/63)	Special Rapporteur Mr. Lallah (Mauritius)	1 Report G.A. (1999) 1 Report CHR
<i>Palestinian territories occupied since 1967</i> (CHR res. 1993/2 A)	Special Rapporteur Mr. H. Halinen (Finland)	1 Report Open-ended CHR
<i>Sudan</i> (CHR res. 1998/67)	Special Rapporteur Mr. G. Biro (Hungary)	1 Report G.A. (1999) 1 Report CHR
<i>Former Yugoslavia</i> (CHR res. 1998/79)	Special Rapporteur Mr. J. Dienstbier (Czech Republic)	Reports to CHR (1999) and G.A.
<i>Democratic Republic of the Congo</i> (CHR res. 1998/61)	Special Rapporteur Mr. R. Garretón (Chile)	1 Report G.A. (1999) 1 Report CHR
<i>Rwanda</i> (CHR res. 1998/69)	Special Representative Mr. M. Moussalli (Switzerland)	1 Report G.A. (1999) 1 Report CHR
<i>Burundi</i> (CHR res. 1998/82)	Special Rapporteur Mr. P.S. Pinheiro (Brazil)	1 Report G.A. (1999) 1 Report CHR
<i>Cambodia</i> (CHR res. 1998/60) (G.A. 52/135)	Sp. Representative Mr. T. Hammarberg (Sweden)	1 Report CHR (1999) 1 Report G.A.
<i>Haiti</i> (CHR res. 1998/58)	Independent Expert Mr. Adama Dieng (Senegal)	1 Report G.A. (1999) 1 Report CHR

<i>Somalia</i> (CHR res. 1998/59)	Independent Expert Ms. M. Rishmawi (Jordan)	1 Report CHR(1999)
<i>Nigeria</i> (CHR res. 1998/64)	Special Rapporteur Mr. Soli Sorabjee (India)	1 Report G.A. (1999) 1 Report CHR

III. MANDATES ENTRUSTED TO THE SECRETARY-GENERAL

A. Country Mandates

<i>Cyprus</i> (CHR Dec. 1998/109)	Report of the Secretary-General to CHR
<i>East Timor</i> Statement by Chairman of 24.4.98)	Report of the Secretary-General to CHR
<i>Southern Lebanon and West Bekaa</i> (CHR res. 1998/62)	Report of the Secretary-General to G.A. Report of the Secretary-General to CHR
<i>Situation in Occupied Palestine</i> (CHR res. 1998/4)	Report of the Secretary-General to CHR
<i>Occupied Arab Territories</i> <i>including Palestine</i> (CHR res. 1998/1) (G.A. res. 52/85)	Two reports of the Secretary-General to CHR Three reports of the Secretary- General to G.A.
<i>Human rights in the occupied</i> <i>Syrian Golan</i> (CHR res. 1998/2)	Report of the Secretary-General to CHR Report of S-G to G.A. (G.A. res. 51/135)
<i>Kosovo</i> (G.A. res. 52/139)	Report of the Secretary-General to G.A.
<i>Cambodia</i> (CHR res. 1998/60) (G.A. 52/135)	Report of the Secretary-General to CHR Report of the Secretary-General to G.A.

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| <i>Investigative Team on DRC</i>
(CHR res. 1998/61) | Report of the Secretary-General to G.A.
Report of the Secretary-General to CHR |
| <i>Abduction of children from Northern Uganda 54th(1999)</i>
(CHR res. 1998/75) | Report of the Secretary-General to G.A.
Report of the Secretary-General to CHR |

B. Thematic Mandates

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| <i>Mass exoduses</i>
(G.A. 52/132) | Report of the Secretary-General to G.A. 54th (1999) |
| <i>Human rights and thematic procedures</i>
(CHR res. 1998/74) | Report of the Secretary-General to CHR |
| <i>Cooperation with representatives of United Nations human rights bodies (reprisals)</i>
(CHR res. 1998/66) | Report of the Secretary-General to CHR |
| <i>Question of enforced or involuntary disappearances</i>
(G.A. res. 51/94) | Report of the Secretary-General to G.A. in 1998 |

C. Technical Cooperation

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| <i>UN Decade: Culture of Peace</i>
(G.A. res. 51/101) | Report of the Secretary-General prepared by UNESCO |
| <i>Regional arrangements for promotion and protection of human rights</i>
(CHR res. 1997/34) | Report of the Secretary-General to 53rd G.A. in 1998
Report of the Secretary-General to 55th CHR (1999) |
| <i>Regional arrangements in the Asian and Pacific region</i>
(CHR res. 1998/44) | Report of the Secretary-General to CHR |

*Advisory services, tech. coop.
and Voluntary* Report of the Secretary-General
CHR (2000) to 56th

*Fund for tech. coop. in field of
human rights*
(CHR res. 1998/57)

Strengthening of the rule of law Report of the Secretary-General
(GA res. 52/125) to G.A.

Decade for Human Rights Education Report of the Secretary-General
(G.A. res. 52/127) to G.A.

*Strengthening institutional capacity
In the human rights field in Haiti* Report of the Secretary-General
(CHR res. 1997/52) to G.A.

MANDATES ENTRUSTED TO THE HIGH COMMISSIONER FOR HUMAN
RIGHTS

*Human Rights Field Operation
in Rwanda* Report by the High Commissioner
(CHR res. 1998/69) to CHR and G.A.

Mass exoduses Report of the High Commissioner
CHR (2000) to 56th
(CHR res. 1998/49)

Activities in Colombia Report of the High Commissioner
(Statement by Chairman of 9.4.98) to CHR