

Introduction to the “Lund Statement to the United Nations Human Rights Council on the Human Rights Special Procedures”

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Introduction

From 2 to 4 May 2007, a Group of Experts met at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) premises in Lund, Sweden, under the auspices of a joint United Nations University (UNU)–RWI project to discuss current issues and challenges facing the UN human rights special procedures system and the institution of UN human rights mandate-holders. On 4 May, the group adopted the “Lund Statement to the United Nations Human Rights Council on the Human Rights Special Procedures”. The present article explains why the Group of Experts felt it important to adopt the Lund Statement, which Ambassador Hans van Ginkel, UNU Rector, transmitted to the President of the UN Human Rights Council. The Rector’s letter and the Statement itself, became official Council document HRC/5/18 of 13 June 2007.

Background—The Development of UN Human Rights Special Procedures

To understand the rationale behind the Lund Statement, it is valuable first to recall that the UN Commission on Human Rights special procedures have always arisen and operated in an entirely different way than UN human rights treaty bodies. The treaty bodies, such as the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of All Forms of Discrimination against Women, all derive their authority directly from the consent of the State Party that has ratified the particular treaty in question. The

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number of human rights treaty commitments into which a State voluntarily enters, and the degree to which it implements the obligations it has undertaken, is thus a good indicator of that State's willingness to abide by international human rights law. Special procedures on the other hand, do not derive their authority from any particular treaty, save the general provisions laid down in the Charter of the United Nations regarding ECOSOC's competence to establish commissions in the field of human rights, nor in principle do they rely on the consent of the particular State under scrutiny. Indeed, many special procedures arose from the international community's concern to address urgent human rights situations where the State responsible for violations had shown little or no inclination to abide by international human rights law. For this reason, special procedures have long functioned as a kind of barometer that measures not only the actions and attitudes of particular States under scrutiny, but also the international community's political will to pressure such States to bring their practices into closer conformity with international human rights law.

We can see that historically, the development of Commission special procedures could never advance beyond the international community's consensus at any particular moment in time as to what should be done about situations involving serious human rights violations, for the obvious reason that the Commission membership itself comprised States, rather than individual experts or representatives of NGOs. Throughout the 1950's, a number of proposals in fact were put forward to confer upon the Commission authority to receive and investigate communications from individuals alleging human rights violations. Not surprisingly however, these proposals basically went nowhere as long as States remained wary of incurring the risk that their own domestic practices might one day come under the Commission's scrutiny. The notion that human rights constituted a matter of legitimate international legal concern was also still relatively new. Moreover, until the mid-1960's, human rights had yet to acquire a sufficient level of clarity, precision and specificity, as to allow Governments to discern what actually constituted human rights violations and what did not. Although the Universal Declaration of Human Rights had been adopted as a non-binding resolution of the General Assembly already in 1948, it basically served only a list of universal human rights, for further elaboration in subsequent binding instruments. More important perhaps, was the fact that the UN was, until the late 1950's and early 1960's, still a mainly privileged western club. Many African and Asian countries had yet to free themselves from the repressive colonial domination of the metropolitan Powers and to join the UN as sovereign and independent States. While western Powers lambasted Warsaw Pact countries over their civil and political rights failings, at the same time, they voted against any proposal to confer upon the Commission competence to receive individual

communications arising from their colonial possessions, where practises of forced labour and systematic denial of basic rights and freedoms, including arbitrary detention, torture and ill-treatment, were rife.

In the years 1967 to 1980 however, UN Commission on Human Rights members did manage to agree to establish mandates concerning particularly serious human rights situations in respect of apartheid in southern Africa, Israeli practices in the occupied Palestinian territories, and Pinochet's military regime in Chile.¹ In 1980, the first thematic special procedures mandate grew out of the Commission's concern over disappearances that were being perpetrated in a number of specific countries, with the establishment of the UN Working Group on Enforced or Involuntary Disappearances to look into the phenomenon of disappearances in *any country*.² The Working Group's establishment opened the door for the gradual addition of other thematic mechanisms that covered a broad range of human rights issues. By the time the Commission was dissolved in 2006, there were 13 country mandates³ and 28 thematic mandates.

Increasingly, country and thematic mandates encompassed the implementation of technical cooperation in the field of human rights to assist Governments wishing to improve their practices (or at least their international image), with expertise and advice. From time to time, the Commission also sent investigative missions to trouble spots or mandated the deployment of human rights field presences to particular lands, to be carried out under the auspices of the UN Office of the High Commissioner for Human Rights, or as part of a UN peace-keeping mission run by the Department of Peacekeeping Operations. It is indeed remarkable that UN member States, which had explicitly barred the Commission in its early years from any investigative role whatsoever, eventually found enough consensus to use the Commission as a vehicle to investigate, monitor and report on human rights situations. By the late 1990's, the Commission commanded the world's attention and made news headlines during its lively, politically charged, annual sessions which brought together around 3000 representatives of

¹ The Commission's move beyond mere human rights standard setting, into public debate on particular human rights country situations, stems from Economic and Social Council resolutions 1235 and 1503. Although not legally binding, these resolutions provide the Commission with its political authority to develop public debate on particular human rights violations, and to conduct monitoring, investigation and reporting.

² The Working Group was established by the Commission on Human Rights in resolution 20 (XXXVI) of 29 February 1980.

³ These mandates concerned the human rights situations in Belarus, Burundi, Cambodia, Cuba, Democratic Republic of Korea (North Korea), Democratic Republic of Congo, Haiti, Liberia, Myanmar, Palestinian territories occupied since 1967, Somalia, Sudan and Uzbekistan. The country mandates on Belarus and Cuba were terminated at the Council of Human Rights' fifth regular session.

Governments, international organizations, UN agencies, bodies and programmes, the ICRC, and NGOs, to hear the reports of Commission-appointed 'special rapporteurs', 'independent experts', 'working groups' and 'special representatives'.

By the turn of the century, the Commission's international image was not completely untarnished however. Perhaps the Commission's broadened focus to encompass such economic, social and cultural rights, as the right to development, the right to education and the right to health, in addition to its traditional focus on more immediate civil and political rights violations, such as torture, arbitrary detention and summary executions, inevitably took special procedures away from their original calling. Also, the addition of various Commission mandates over the years resulted in a certain degree of overlapping and duplication which detracted from the coherence of the overall system of special procedures. Yet another problem was that all through the 1990's, the Commission workload had increased substantially, but the UN Office of the High Commissioner for Human Rights Secretariat responsible for servicing the Commission and its mandate-holders, was not provided with adequate additional resources to match it, resulting in diminished administrative, technical and research support. Things were about to get much worse however.

The difficulties the Commission faced until the 1990's might have been curable through structural and administrative reforms that had been initiated, were it not for rapid deterioration in the Commission's political legitimacy in the early years of the new millennium. Even prior to the 11 September 2001 terrorist attacks on the World Trade Centre and Pentagon, the United States had already run off into the darkness of unilateral foreign policy, as grimly evidenced by its wholly counterproductive positions on such issues as global warming, missile defense agreements and of making anti-AIDS medications available to those who need them. For the first time, on 3 May 2001, the United States lost its seat on the Commission as disenchanted States decided to signal to the Bush Administration that it should not expect unqualified support, even from its friends, if it persisted in pursuing a narrow domestic policy agenda at the cost of multilateral cooperation. The US spent much more of its rapidly dwindling political capital during the 59th session of the Commission, held from 17 March to 27 April 2003, during which the Bush Administration launched Operation Iraqi Freedom (on 19 March 2003) without Security Council authorization, ignoring repeated and concerted entreaties from the UN Secretary-General, the European Union, Canada and many other countries. The worsened international political climate was felt in all fields requiring urgent cooperation, including human rights, both inside and outside the Commission. The coup de grâce came with Libya's election to Chair of the Commission which, given that country's miserable human rights practices, drove many Governments, NGOs and human

rights activists to utter despair. A few days before the 2003 Commission session closed, the Secretary-General admonished the Commission:

This is a time when your mission to promote and protect human rights in the widest sense is more important than ever, your responsibility to act more urgent. And yet, divisions and disputes in recent months have made your voice not stronger, but weaker; your voice in the great debates about human rights more muffled, not clearer.⁴

Addressing the opening of the Commission session two years later in March 2005, the Secretary-General lamented that:

. . . the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism. In particular, States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others. As a result, a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole.⁵

He then proposed that:

Member States should agree to replace the Commission on Human Rights with a smaller standing Human Rights Council . . . The creation of the Council would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations. Member States should determine the composition of the Council and the term of office of its members. Those elected to the Council should undertake to abide by the highest human rights standards.⁶

On 15 March 2006, the General Assembly established the Human Rights Council to replace the Commission, and the Commission held its final session on 27 March 2006. In line with the Assembly's request, ECOSOC formally dissolved the Commission on 16 June 2006⁷ and the new Council held its first meeting on 19 June 2006.

The move to replace the Commission with a revamped Human Rights Council seemed all well and good, except that the question as to what should be done with the Commission mandates already in force, hovered over the Council's sessions like a dark cloud, particularly as this question was bound up with larger issues concerning its new procedures. General Assembly resolution 60/251 establishing the new Council instituted certain criteria for membership, and required a 'Universal Periodic Review' to check on the 'human rights qualifications' of all States. As per the terms of Assembly resolution 60/251, the

⁴ Kofi Annan, "UN Secretary-General to Commission on Human Rights: We Must Hope a New Era of Human Rights in Iraq Will Begin Now"; Statement of 24 April 2003, Geneva.

⁵ Secretary General's Report on UN Reform: In Larger Freedom 21 March 2005.

⁶ *Ibid.*

⁷ UN General Assembly resolution A/Res/60/251, *adopted* 15 March 2006.

Council had one year from the holding of its first session (which was on 19 June 2006) to:

assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure; the Council shall complete this review within one year after the holding of its first session.⁸

Unfortunately, the first few sessions of the new Council demonstrated right away that many Council members seemed more intent not to strengthen human rights special procedures, but to try to weaken the whole UN system of human rights monitoring and reporting. The Council, in which African and Asian States together make up a majority of 26 members, proposed a code of ethics to 'guide' (it seemed obvious, more to restrict) the activities of Council mandate-holders in the carrying out of their official duties. At its fifth session, during which the Council had to finalize its procedures, rumours swirled about that a majority of Council members would try their best to eliminate country mandates altogether, or at least all those to which the State concerned objected.

The Value of the Lund Statement

The UNU-RWI project to document and analyze issues and challenges facing UN Commission human rights special procedures, from the perspective of mandate-holders themselves, was launched prior to the Commission's demise. Despite the high profile of the Commission in the press and generally in human rights circles, relatively little had been written in academia about special procedures. When the Council replaced the Commission in June 2006, the issue of the independence and integrity of the work of mandate-holders, and of human rights special procedures as a whole, suddenly became a much hotter topic. As the 18 June 2007 deadline to finalize its procedures loomed closer, and given the contentious political climate that seemed to have enveloped the new Council, the UNU-RWI project became all the more timely. Against this backdrop, the UNU and RWI resolved not only to assemble a certain number of mandate-holders to discuss their work, with a view to developing an edited book along this theme, but also to contribute to the ongoing debate, by offering a 'policy brief' to the Council itself, to serve as a reference point of principles in the negotiations ongoing in Geneva. This policy brief took the form of the Lund Statement which recalls the value, functions and role of UN human rights special procedures.

⁸) *Ibid.* at paragraph 6.

The Group of Experts assembled in Lund comprised the following persons: Gudmundur Alfredsson, former Director of RWI, currently Academic Advisor, Professor, Lund University Faculty of Law and Expert member of the UN Sub-Commission on Promotion and Protection of Human Rights; Amada Benavides de Pérez, member of the UN Working Group on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of Peoples to Self-Determination; Nadia Bernaz, Lecturer and Director of the Ph.D. Programme, Irish Centre for Human Rights, Galway; José-Luis Gómez del Prado, member UN Working Group on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of Peoples to Self-Determination; Jonas Grimheden, Senior Researcher, RWI; Leif Holmström, Director, RWI; Miloon Kothari, UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living; Miko Lempinen, Senior Researcher, Institute for Human Rights, Abo Akademi, Finland; Jakob Möller, Former Chief, Communications Branch, UN Office of the High Commissioner for Human Rights, and Member of the Human Rights Chamber, Bosnia-Herzegovina; Vitit Muntarbhorn, UN Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea; Bertrand Ramcharan, Swiss Chair, Graduate Institute of International Studies, Visiting Professor, Lund University, former Deputy and former Acting UN High Commissioner for Human Rights; Rolf Ring, Deputy Director, RWI; Martin Scheinin, UN Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism; Mara Steccazzini, UN Human Rights Officer, UN Office of the High Commissioner for Human Rights, Geneva; Lyal Sunga, Senior Lecturer and Director of Research, RWI, formerly UN Human Rights Officer, Geneva; Martina Timmermann, Project Adviser, Peace and Governance Programme, United Nations University, Bonn; Leila Zerrougui, member, UN Working Group on Arbitrary Detention. During the meeting, Sigma Huda, UN Special Rapporteur on Trafficking in Persons, Especially in Women and Children, and Michael Kirby, former Special Representative of the UN Secretary-General on Cambodia, currently Judge of the High Court of Australia, could not attend the workshop in Lund in person, participated by sending in written contributions.

The substantive discussions began on 2 May with an extremely lucid and coherent account provided by Professor Muntarbhorn of the status of negotiations inside the Council on special procedures. Drawing on his insights as Chairperson of the Coordination Committee on behalf of the special procedures' mandate holders, Professor Muntarbhorn reminded participants of the value of special procedures as an indispensable system for promoting and protecting human rights. He further outlined the role of special procedures in drawing international attention to urgent human rights situations and recalled their early warning capacity as well as the value of special sessions in considering particularly

acute problems. He also expatiated on the importance of special procedures mandate-holders in terms of their promoting dialogue with Governments over specific human rights issues, the provision of expert advice, as well as the role of recommendations and follow up. In that connection, he urged that Governments should issue standing invitations to all special procedures mandate-holders and respond quickly to requests coming from special rapporteurs to undertake missions to the country. In the following sessions, expertly chaired by Jakob Möller, the discussion focussed on issues concerning the establishment of mandates and selection of mandate-holders, the relation between special procedures and the universal periodic review, as well as the perennial question of administrative, personnel and budgetary support from the UN Office of the High Commissioner for Human Rights. It was then time to pull together the many creative ideas and comments that had percolated through the previous very wide-ranging and lively discussions. Bertrand Ramcharan, who chaired the three remaining sessions, kicked things into high gear, by proceeding in a concentrated, disciplined and almost feverish pace. Mr. Ramcharan guided the Group into hammering out a well-structured, comprehensive and clear Lund Statement. The end product was heartily endorsed by all, with a finalized version made available a few days following the end of the meeting.

The Group of Experts felt compelled to remind the Council of the important role that special procedures play as a set of human rights protection mechanisms, and it urged the Council to ‘maintain, renew and strengthen’ UN human rights special procedures mandates (paras. 2 and 3). The Group also stressed the “centrality of the UN human rights special procedures system in identifying and addressing gaps in human rights protection, particularly as regards vulnerable groups and individuals and new threats and challenges”, alluding to the fact that during its life span, the Commission tailored various special procedures mechanisms to address particular situations, thus lending the special procedures system the qualities of adaptability and versatility (para. 5). The Group was also aware that many Council members were pushing a code of ethics which, depending on its content, could be used to restrict the activities of special procedures mandate-holders, and give States subject to their examination, the upper hand. Governments could even invoke the terms of such a code, if drafted improperly, to attack the integrity, impartiality and independence of mandate-holders as they tried to undertake their official duties. Accordingly, paragraph 8 recalls that a number of documents already existed that were designed to guide mandate-holders in the carrying out of their duties, implying that one more would seem unnecessary. In this spirit, the Group also underlined the importance of unhindered access to victims of violations (para. 9), as well as that of open channels of communication among special procedures, and various other concerned parts of the UN

system, national human rights institutions, NGOs, civil society and the mass media (para. 10).

Part II of the Lund Statement further elaborates the essence and value of the special procedures system, in particular, its focus on the “universality, indivisibility, interdependence and interrelatedness of human rights” as well as its emphasis on the principles of equality and non-discrimination and gender equality and the right to development. Paragraph 18 refers to the work of the Coordination Committee that was formed to harmonize, streamline and improve the operation of special procedures mandates. The Lund Statement further reiterates the pivotal function of special procedures in maintaining a ‘victims-oriented perspective’ to human rights problems (para. 19) and the range of methods they employ, namely:

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

Moreover, a number of special procedures mandates have become increasingly useful in disseminating human rights values through training and education (para. 20).

The degree to which all the above-mentioned activities are likely to meet with success depends on how much concerned States actually cooperate with special procedures mechanisms and the extent to which they allow mandate-holders unhindered access to sources of information and follow up on recommendations (para. 21). In this regard, the Group of Experts underlined that: “The standing invitations by countries pledging to accept visits of thematic special procedures is an important way of strengthening the system and all countries should consider issuing such standing invitations”.

Part III of the Lund Statement recalls the original *raison d’être* of special procedures to protect individuals and groups from imminent human rights violations, by responding quickly to actual or threatened human rights violations through the deployment of missions to places where human rights are at risk, the wide dissemination of their findings, and the “calling upon [of] governments and peoples of the UN to act effectively for the protection of human rights in discharge of the UN Charter’s mandate on the universal protection of human rights” (para. 23) and through the mobilization of action (para. 24). Part IV develops the point that, unless Governments accord due weight to, and faithfully implement, the recommendations coming out of special procedures mechanisms, their full potential will not be

realized. Part V underscores the critical role special procedures play, and should play, as part of the UN's early warning and urgent action capacity, and enjoins the General Assembly and Security Council "to act on the responsibility to protect, particularly as regards genocide, war crimes and crimes against humanity" (para. 34). Part VI of the Lund Statement draws special attention to 'protection needs'. In this sense, the special procedures mechanisms have become instrumental not just in helping the international community to see established norms of international human rights implemented more fully, but also to respond to new threats or to address more satisfactorily the human rights of vulnerable groups under threat, owing to normative or institutional gaps either at the international or domestic level (para. 37). In this connection, the Group of Experts identified the issues of slavery, gender equality, access to justice, conditions of prisons and places of detention, land rights, right to water, global warming and violence against children, as problems requiring greater normative and institutional attention, and the Group further called for the establishment of mandates on "the human rights dimensions of global warming, the right to water and access to justice". Finally, the Group of Experts concluded by calling "upon the Human Rights Council to consider the Lund Statement in its deliberations and to support the work of special procedures effectively as part of its efforts for the strengthening of the international human rights protection system".

Shortly after it was adopted on 4 May 2007, Ambassador Hans van Ginkel, Rector of the United Nations University and UN Under-Secretary-General, conveyed the Lund Statement to Ambassador Luis Alfonso de Alba, President of the Human Rights Council, with the request that it be tabled at the Council's fifth regular session. In response, the Council President duly tabled these documents so that Council members could take account of them in their deliberations. By the end of the fifth regular session, it became apparent that not all country mandates would be chopped. The Council however, did choose to terminate the country mandates on Belarus and Cuba. The Governments of these countries had not accepted the visits of the respective country mandate special rapporteurs, but thankfully, the Council left intact all thematic mandates for the time being.

The procedures relating to the Universal Periodic Review have yet to be worked out in detail, as do the criteria relating to the 'membership qualifications' of Council members. These and other aspects of the Council will take time to develop through negotiation as well as institutional practice. Hopefully, Council members will bear in mind the important roles that UN human rights special procedures have played, and continue to take into account the principles and considerations recalled in the Lund Statement for the better promotion and protection of human rights around the world.

Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled “Human Rights Council”*

*Letter dated 18 May 2007 addressed by the Rector of the United Nations University to the President of the Human Rights Council***

I am writing to convey to you a statement on Human Rights special procedures which I would request be tabled at the fifth regular session of the Human Rights Council.

The statement, entitled the “Lund Statement to the United Nations Human Rights Council on the Human Rights Special Procedures”, was developed by a Group of Experts who met in Lund, Sweden, from 2 to 4 May 2007 at the time of a United Nations University (UNU)–Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) workshop on “Human rights special procedures: the institution of the Special Rapporteur”. The UNU, as a think-tank for the United Nations system charged with a mission of serving as a platform for new and creative ideas and the generation of expert knowledge on a range of issues of global concern, wishes to put forward the Lund Statement for consideration by the Council.

I am appending to this letter a list of participants at the UNU-RWI workshop who comprised the Group of Experts involved in the formulation of the Lund Statement.

We trust that the Lund Statement will be of interest and value to the Human Rights Council in its deliberations on this important issue.

I hope that it will be possible for the Lund Statement to be given full consideration by the Council. Should there be a need for additional information on the statement, may I suggest that you contact me or Prof. Lyal Sunga, Senior Lecturer and Director of Research of RWI.

(Signed): HANS VAN GINKEL Rector of the
United Nations University and United Nations
Under-Secretary-General

* General Assembly; Distr. GENERAL A/HRC/5/18 13 June 2007; Original: ENGLISH; HUMAN RIGHTS COUNCIL Fifth session Agenda item 2.

** The letter is circulated in all languages. The annex is circulated as received, in the language of submission only.

Annex

Lund Statement to the United Nations Human Rights Council on The Human Rights Special Procedures

Adopted on Friday 4 May 2007 in Lund, Sweden

I. Policy Recommendations

1. A Group of Experts met in Lund, Sweden, at the Raoul Wallenberg Institute (RWI) under the auspices of the United Nations University (UNU) and the RWI from 2–4 May 2007, to discuss the human rights special procedures system of the United Nations, keeping in mind the ongoing deliberations of the UN Human Rights Council.
2. The Group of Experts considers that the UN human rights special procedures are among the most important protection mechanisms in the UN system and recalls that the special procedures system was endorsed both by the World Conference on Human Rights in the Vienna Declaration and Programme of Action, 1993, and by the UN General Assembly in resolution 60/251 of 15 March 2006 establishing the UN Human Rights Council.
3. The Group of Experts strongly urges the United Nations Human Rights Council to maintain, renew and strengthen UN human rights special procedures mandates, it being understood that the future of each mandate will henceforth be reviewed on a case-by-case basis. The Group of Experts further underlines the importance of respecting the independence of special procedures mandate-holders and considers that the primary criteria in selecting mandate-holders should be competence, impartiality and objectivity, taking into account the principles of equitable geographic distribution, broad legal and cultural diversity and gender balance.
4. The Group of Experts emphasizes that an effective and coherent system of special procedures for the promotion and protection of human rights should continue to comprise thematic and country related mandates and to embrace civil, cultural, economic, political and social rights, including the right to development.
5. The Group of Experts recognizes and affirms the centrality of the UN human rights special procedures system in identifying and addressing gaps

in human rights protection, particularly as regards vulnerable groups and individuals and new threats and challenges.

6. The Group of Experts expresses its strong support for the UN human rights special procedures system and urges that it be accorded very high priority within the UN human rights programme as well as within the larger UN system as a whole.
7. The Group of Experts underlines that the UN human rights special procedures system rests on the fundamental principle of cooperation, particularly that between States and the UN, States and mandate-holders, mandate-holders and the UN system, cooperation amongst States and cooperation between mandate-holders and civil society. The Group of Experts emphasizes the importance of faithful State implementation of the recommendations arising from special procedure mechanisms.
8. The Group of Experts notes that there are Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, a Draft Manual of the United Nations Human Rights Special Procedures, as well as draft suggestions for a code of conduct for special procedures. The Group recommends that the UN Legal Counsel be invited to comment on the interrelationship among these documents.
9. The Group of Experts highlights the importance of unhindered access to and from victims of human rights violations, as well as the full participation of non-governmental organizations and civil society in the quest for the enhanced effectiveness of the UN human rights special procedures and other UN mechanisms concerned with human rights promotion and protection.
10. The Group of Experts considers that the effectiveness of the UN human rights special procedures system requires the maintenance of clear and direct channels of communication among the Office of the UN High Commissioner for Human Rights, Governments, UN bodies, the specialized agencies and other intergovernmental organizations, national human rights institutions, interested non-governmental organizations as well as civil society at large and the mass media. Unencumbered and regular communication among these entities remains particularly important for the effective operation of early warning and urgent action mechanisms and procedures. The Group of Experts further underlines the importance of UN human rights special procedures as an essential form of monitoring and early warning within the UN system.
11. The Group of Experts draws attention to the need to elaborate on the rich and beneficial contributions that special procedures can make to the system of the Universal Periodic Review.
12. The Group of Experts recommends the commissioning of an academic study on the experience, coverage, promotion, protection and impact of

UN human rights special procedures from the point of view of persons and groups in urgent need of human rights protection.

13. The Group of Experts also recommends that a global study be carried out on civil society perspectives in relation to UN human rights special procedures.
14. The following parts of the Statement highlight key aspects of, and considerations relating to, the special procedures system.

II. *The Essence of the System*

15. The system of human rights special procedures of the United Nations has been developed to carry out mandates assigned by the former Commission on Human Rights, now the Human Rights Council, and other policy making organs dealing with the promotion and protection of human rights in accordance with internationally recognized human rights law. They pay particular regard to the universality, indivisibility, interdependence and interrelatedness of human rights and the principles of equality and non-discrimination and gender equality, and are mindful of the importance of the implementation of the right to development. The system consists of independent experts implementing thematic and country mandates.
16. Special procedure mandate-holders discharge their functions with independence, impartiality, integrity and in accordance with standards of fairness and due process and in the quest for justice.
17. The special procedures place the protection of those in need high among their priorities and pursue a victims-oriented perspective. They have the tasks of analysing human rights situations, making relevant recommendations and striving for justice for the victims, actual and threatened.
18. Special procedure mandate-holders operate on the basis of international cooperation with governments, specialized agencies, regional organisations, national human rights institutions, non-governmental organisations, civil society and other partners and also pursue cooperative approaches among themselves. With a view to facilitating and harmonising their work, the special procedures have established a Coordinating Committee, which supports joint activities among them and interacts with the Human Rights Council and other actors in enhancing the system of special procedures. Increasingly, special procedures concert their efforts in joint and constructive approaches toward governments and other partners and, through their Coordinating Committee are further developing joint efforts in a constructive manner in their interactions with governments and others.
19. The functions of special procedures include the gathering and analysis of information and trends on emerging and actual human rights issues, acting upon the recommendations of human rights treaty bodies, contributing to

the development of international standards, responding to urgent situations referred to them by the Human Rights Council, gathering and reacting to reliable information concerning allegations of human rights violations, reporting on State implementation of human rights obligations, identifying best practices, undertaking country visits, making recommendations for improved enforcement of human rights at the national level and communicating on behalf of victims.

20. The special procedures are also attentive to the importance in their work of contributing to human rights education and training and to the dissemination of information on human rights. They communicate with, respond to and interact with civil society, national human rights institutions, non-governmental organisations, media and other actors in the implementation of their mandates.
21. The efficacy of the work of special procedures depends upon effective and timely cooperation from governments, particularly in providing relevant information expeditiously, responding effectively to their communications, enabling them to have unhindered access to the country to assess the field situation, and in giving effect to their recommendations in a sustained and faithful manner.
22. The standing invitations by countries pledging to accept visits of thematic special procedures is an important way of strengthening the system and all countries should consider issuing such standing invitations.

III. The Protection Role of Special Procedures

23. Special procedures contribute to the protection of human rights by responding in a timely manner to situations of actual or threatened violations of human rights, by contributing to the identification of threats to population groups and individuals, by undertaking visits to trouble spots, by making recommendations on law, policy, practice and corrective measures to governments and to the Human Rights Council, by calling for the wide dissemination of their findings, and by calling upon the governments and peoples of the UN to act effectively for the protection of human rights in discharge of the UN Charter's mandate on the universal protection of human rights.
24. UN human rights special procedures mobilize the global community to protect the rights of actual and potential victims. The information and analysis from their reports and related recommendations help to empower groups and individuals in protecting their rights. They also alert the international community to urgent human rights situations which require effective measures to protect human rights.

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

IV. Implementation of Special Procedures Recommendations

26. Implementation of the recommendations of special procedures is crucial to the success of the system. Inadequate implementation of the recommendations coming from the special procedure system weakens the efficacy and credibility of the UN and the international community and impedes the realization of human rights. The Governments concerned, interested governments—in pursuance of their obligation of international cooperation under the UN Charter—and international and regional organisations, should do their utmost to implement, and follow up on, the recommendations of special procedures. Civil society has an important role to play in encouraging and monitoring follow up to the implementation of special procedures recommendations.
27. The UN High Commissioner for Human Rights and her Office should play a part in following up on the implementation of recommendations of special procedures. The Human Rights Council, in its interaction with governments and with special procedures, should take a special interest in the implementation of the recommendations of special procedures. Such implementation may require a variety of measures, including in the field of law and law reform, review of policies, programmes, practices, and mechanisms and in the allocation of personnel and resources, as well as in the provision of related information in a participatory and accountable manner.
28. The Human Rights Council has a key role to play in influencing governments and other actors to implement the recommendations of special procedures. Such implementation also needs to be integrated and mainstreamed through the totality of the UN system, including UN country teams. The UN Human Rights Council could beneficially draw upon the recommendations of the special procedures as part of the dialogue with countries within the framework of the Universal Periodic Review.
29. Where the Human Rights Council considers it necessary, it may refer situations for the consideration of the General Assembly and, through the General Assembly, to the Security Council.
30. Special procedure mandate-holders themselves have a key role to play in mobilizing follow up to the implementation of their recommendations by

making representations to governments and others and to the Human Rights Council. Special procedures should continue to pursue innovative approaches and channels of implementation. The implementation of the system of special procedures and follow up to their recommendations requires full financing and resources.

V. Early Warning and Urgent Action

31. UN General Assembly resolution 60/251, which established the Human Rights Council, mandated the Council to pursue activities for the prevention of violations of human rights. In accordance with this guidance from the Assembly, activities to prevent human rights violations are priority objectives of the special procedures.
32. Urgent actions are an essential part of the work of special procedures. They concern actual and impending threats which need to be responded to expeditiously and effectively. It is crucial to identify governmental focal points which can address such actions in a timely and responsive manner.
33. The Human Rights Council, in partnership with other UN organs and with appropriate contributions from the special procedures, can play an invaluable role in identifying the human rights dimensions of new threats and challenges to humanity and in the development of responses for dealing with those threats based on international human rights law.
34. Special procedures help to activate the world community as an early warning mechanism and form an intrinsic part of the efforts of the UN and the international community to give effect to the responsibility to protect human rights and to maintain a global watch over human security. Non-response to early warnings from special procedures could have, and have had, devastating human rights consequences and call into question the credibility of the UN and the international community. The General Assembly and the Security Council's commitment to act on the responsibility to protect, particularly as regards genocide, war crimes and crimes against humanity, needs to be noted in this regard.

VI. Protection Needs

35. Protection gaps need to be addressed effectively by the Human Rights Council and related organs. In the special procedures system, such gaps range from absence of mandates in key areas, the need for new mandates, inadequate responses from governments in giving effect to the recommendations of special procedures, and insufficient financing and support of mandates. Where mandates are to be reviewed, it is important to ensure

that there are no protection gaps in the transition from one mandate/mandate-holder to another mandate/mandate-holder.

36. A major contributor to gaps in implementation is the lack of recognition of the human rights dimensions of issues which the special procedures are charged with, and of issues crucial to the welfare of humankind.
37. When considering protection needs and gaps, it should be borne in mind that there is a key link between international and national protection gaps. National protection gaps may include the absence of laws and policies reflective of international human rights law, institutional gaps and other implementation gaps, including imbalances in resource allocations.
38. During the discussion among the Group of Experts, it was widely felt that the Human Rights Council should periodically consider whether there are substantive issues that might deserve the designation of a special procedure or their inclusion in the mandate of an existing procedure. Among the issues mentioned during the discussion were: contemporary forms of slavery, gender equality, access to justice, conditions of prisons and places of detention, land rights, right to water, global warming and violence against children. The Group was of the view that it would be urgent to designate special procedures on the human rights dimensions of global warming, the right to water and access to justice.

VII. Conclusion

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

**Human Rights Special Procedures:
The Institution of the Special Rapporteur
List of Participants for UNU-RWI Workshop
2–4 May 2007 Lund, Sweden**

Name	Institutional Affiliation
Alfredsson, Gudmundur	Professor, Academic Advisor, RWI/Lund Univ. Faculty of Law, Expert member of the UN Sub-Commission on Promotion and Protection of Human Rights
Benavides de Pérez, Amada	UN Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Bernaz, Nadia	Lecturer and Director of the Ph.D. Programme, Irish Centre for Human Rights, Galway
Gómez del Prado, José	UN Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Grimheden, Jonas	Senior Researcher, RWI
Holmström, Leif	Director, RWI
Kothari, Miloon	UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
Lempinen, Miko	Senior Researcher, Institute for Human Rights, Abo Akademi, Finland
Möller, Jakob	Former Chief, Communications Branch, UN Office of the High Commissioner for Human Rights, and Member of the Human Rights Chamber, Bosnia-Herzegovina
Muntarbhorn, Vitit	UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
Ramcharan, Bertrand	Swiss Chair, Graduate Institute of International Studies Visiting Professor, Lund Univ., former Deputy and Acting UN High Commissioner for Human Rights

(continued)

Ring, Rolf	Deputy Director, RWI
Scheinin, Martin	UN Special Rapporteur on the promotion and protection of human rights while countering terrorism
Steccazzini, Mara	UN Human Rights Officer, UN Office of the High Commissioner for Human Rights, Geneva
Sunga, Lyal	Senior Lecturer, Director of Research, RWI, Lund, former UN Human Rights Officer, Geneva
Timmermann, Martina	Project Adviser, Peace and Governance Programme, United Nations University, Bonn
Zerrougui, Leila	UN Working Group on Arbitrary Detention
<i>With additional contributions from the following persons who could not attend the meeting in Lund in person:</i>	
Huda, Sigma	Special Rapporteur on trafficking in persons, especially in women and children
Kirby, Michael	Former Special Representative of the UN Secretary-General on Cambodia, Judge of the High Court of Australia