

MEETING OF SPECIAL RAPPORTEURS, REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS

11th session (Geneva, 21 to 25 June 2004)

The special rapporteurs, special representatives, independent experts and chairpersons of working groups (the "special procedures") and the Advisory Services Programme of the Commission on Human Rights held the **11th session** of their **annual meeting** in Geneva from 21 to 25 June 2004. The **Special Rapporteur on the question of torture**, Mr **Theo Van Boven** (Netherlands), chaired the meeting, and the **Special Rapporteur on the situation of human rights in Myanmar**, Mr **Paulo Sérgio Pinheiro** (Brazil), vice-chaired the meeting. The purpose of the meeting was to discuss the various aspects of their work, including the special procedures system in relation to the UN reform programme, the integration of the work of special procedures into other UN mechanisms and measures to enhance the effectiveness of the special procedures.

The meeting of the special procedures reserved an opportunity for NGOs to speak during the afternoon session of 22 June 200 and raise comments, questions and issues surrounding the **Commission** or human rights in general. After the NGOs spoke, the special rapporteurs, working group members, and other representatives allocated time to respond, comment or bring up other issues.

The dialogue between the NGOs and the special procedures began with the representative of the *Quakers United Nations Office* who raised the issue of women in prison as well as the issue of children growing up with their mothers in prison. She clarified that the issue of children growing up with their mothers in prison "*was not one of juvenile justice*". The representative from *Amnesty International* (AI) made a related comment that "*there should be a call for deeper gender perspectives within the various UN mechanisms*".

A representative of *World Organisation against Torture* (OMCT) raised the issue of compatibility of human rights and some of the counter-terrorism measures now employed by various Governments. He suggested to the Special Rapporteur on the question of torture that his next report focus on this topic and he should not be dissuaded from "*singling out certain countries in his report*". A representative of the *International Commission of Jurists* (ICJ) also underscored this concern and reiterated that after Resolution 1373 many countries now regard counter-terrorism as an important policy matter. He warned that a "*supervisory body that keeps the fight against terrorism within the framework of human rights does not yet exist within the UN system*", and thus Governments have employed counter-terrorism measures that undermine basic human rights. He also flagged that many fundamental rights, such as the freedom of movement, are not covered by existing UN mandates. A member of *Human Rights Watch* (HRW) supported the views of the ICJ representative and suggested that offshore facilities and detention centres in the United States of America (USA) require visits by the special rapporteurs. She also called on the special rapporteurs to meet with the **High Commissioner for Human Rights**, Ms **Louise Arbour**, on this matter and to exert independence in their work. Likewise, AI claimed that the special rapporteurs could contribute to the High Commissioner's study on General Assembly Resolution 58/187 regarding the compatibility of counter-terrorism measures and human rights.

Several NGO delegates introduced the issue of the special rapporteurs' follow-ups on visits and missions to countries. The *Association for the Prevention of Torture* (APT) addressed this issue by asking how "*the UN system can enable follow-ups to have impact?*". The *Centre on Housing Rights and Evictions* (COHRE) stated that they, too, are seeking follow-ups from special rapporteurs and UN representatives in the context of their mandate. The delegate of the *Bahá'í International Community* expressed similar concerns and hoped that the UN can devise mechanisms so that special rapporteurs can easily follow up their missions. She also called for the co-ordination of country visits and suggested standing invitations "*be encouraged by countries, not feared*". Other NGOs such as the OMCT and the

Arab Organisation for Human Rights (AOHR), while recognising the problem of limited resources, made a call for a greater number of visits and missions to countries.

Finally, almost all NGO delegates expressed gratitude for the opportunity to meet with the special procedures and hoped to have more of such opportunities in the future. Some NGOs offered their assistance and asked the panel how they could enhance contact and co-ordination between them and the various UN mechanisms.

Following the NGO delegates' interventions, the special procedures and the Advisory Services Programme of the Commission had an opportunity to respond and offer their comments. The Chairman of the meeting began by highlighting some of the issues raised by the NGOs that he wished members of the panel to address. These were the issues of country visits by UN delegates, follow-ups, counter-terrorism measures employed by Governments and their compatibility to human rights, co-operation on standing invitations, and the question of resources. However, due to time constraints, the special procedures could not address each of these issues thoroughly.

Many speakers commented on the issue of counter-terrorism and expressed their concerns for some of the methods used by various Governments in combating and preventing terrorism. The **Special Representative of the Secretary-General for human rights in Cambodia**, Mr **Peter Leuprecht** (Austria), agreed with many of the NGOs on this issue and flagged worries about a "*pseudo-intellectual justification for torture*" within the context of counter-terrorism. He expressed regret that diplomats, politicians, and even academics have returned to "*ticking-bomb*" justifications for torture. He cited the Vice-President of the **USA** who "*views such measures as the norm in the post 9-11 world*". The **Special Rapporteur on the situation of human rights in Iraq**, Mr **Andreas Mavrommatis** (Cyprus), agreed that such a justification "*is not a good one*". The **Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo**, Ms **Iulia-Antoanella Motoc** (Romania), also criticised members of the academe who advocated such justifications. Mr **Leandro Despouy** (Argentina), the **Special Rapporteur on the independence of judges and lawyers**, commented that counter-terrorism measures short of torture also undermine human rights. He expressed that measures like secret detentions remove the detainees and suspects from the proper application of law. Ms **Hina Jilani** (Pakistan), **Special Representative of the Secretary-General on human rights defenders**, raised concerns that combating terrorism can frequently give rise to a problem with "*access to information*". Ms **Leïla Zerrougui** (Algeria), **member of the Working Group on Arbitrary Detention**, called upon the NGOs to provide them with "*intelligence*" and information that Governments refuse to provide to the UN. The **Chairperson of the Working Group on Enforced or Involuntary Disappearances**, Mr **Stephen Toope** (Canada), welcomed the invitation for the special procedures to assist in the High Commissioner's report regarding the protection of human rights and fundamental freedoms while countering terrorism.

Several speakers raised the issues of country visits and follow-ups. Mr Leuprecht offered details of his trip to **Cambodia**. He acknowledged that in his visits to prisons in that country, he did indeed witness the problem of children growing up in prisons with their mothers, raised by the representative of the *Quakers* mentioned. He commended the Cambodian Government for providing him with access into prisons. Several UN delegates also agreed with the NGOs on their concerns over the availability of follow-up mechanisms after visits by UN delegates.

Several participants raised concerns that there were no indigenous organisations present in the meeting. The **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**, Mr **Rodolfo Stavenhagen** (Mexico), reported that the attempts to draft a declaration on indigenous rights have stalled. He also warned that rumours were circulating that the Working Group on Indigenous Populations may "*close down*". The Chairperson of the Working Group on Enforced or Involuntary Disappearances expressed similar concerns and expressed a desire that the next meeting of NGOs and the panel offer a broader opportunity to meet with indigenous group NGOs.

In general, the special procedures expressed their gratitude for the opportunity to meet with the NGOs who participated in this meeting. They commended the NGOs on their efforts and called upon them to continue providing them with support. The **Special Rapporteur on extrajudicial, summary or arbitrary executions**, Ms **Asma Jahangir** (Pakistan), noted that NGOs could play an important role by reviewing and reporting on the work of the special procedures, which could then become "*sort of a press*" to the public. The Chairman of the meeting concluded the proceedings by reminding the NGOs that their input and views are important and expressed a desire to have more of such opportunities in the future to exchange ideas and dialogue in their attempts for improvement and change.