HISTORY OF THE UNIFIED NATIONS SPECIAL PROCEDURES MECHANISM

Origins, Evolution and Reform

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The research reflects primary and secondary research, and draws heavily on the resolutions, reports and other documents of the United Nations Commission on Human Rights and its successor, the Human Rights Council.

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INTRODUCTION

The United Nations’ independent human rights experts – otherwise known as ‘Special Procedures’ - are considered by many to be, in the words of then United Nations Secretary-General Kofi Annan, the ‘crown jewel’ of the international human rights system.

From their first appearance in 1967, when the United Nations Commission on Human Rights established an Ad Hoc Working Group to inquire into the situation of human rights in southern Africa, the Special Procedures system has developed into one of the international community’s most important tools for promoting and protecting human rights. Today, the United Nations human rights system boasts over fifty active Special Procedures mandates, covering a wide-range of thematic and country-specific issues, with more in the pipeline.
‘NO POWER TO ACT’

doctrine (1946–1966)

The foundations of today’s international human rights system were laid in the aftermath of the Second World War as part of the new United Nations (UN) organisation. Participants in the first meetings of the Commission on Human Rights (the ‘Commission’), established under Article 68 of the UN Charter (‘the Charter’), as the main UN body charged with promoting human rights, envisioned a human rights system built upon the General Assembly agenda to include a discussion on human rights, due to national preoccupations with their admissibility, made careful use of press releases and press comment, and emphasised the importance of working in cooperation with the concerned government (by meeting with eight high-level government officials including the President). Immediately after establishing these first-ever Special Procedure mandates, the Commission adopted resolution 8 (XXXII) on the study and investigation of situations which reveal a consistent pattern of violations of human rights, which decided to ‘give annual consideration to theamplified question of violations of human rights,’ and requested authority (from ECOSOC) to make a thorough study and investigation of situations which reveal a consistent pattern of violations of human rights.

Then, to confirm the Commission’s general and permanent prerogative to deal with human rights violations (including a post-facto approval of its decision to appoint Special Procedures), it asked ECOSOC (in resolution 9 (XXXII)) to include ‘the power to recommend and adopt general measures to deal with violation of human rights’ in its terms of reference. This request was significant because it led to ECOSOC resolution 1235 (XLI), which constituted the legal basis for the establishment of future Special Procedures.

Today’s international human rights system owes an enormous debt of gratitude to the small group of African, Asian and Caribbean states that, between 1966–1967, took a determined decision to act against human rights violations associated with colonialism, racism and apartheid. In so doing, they sent a clear message to the world that, when faced with serious human rights abuses, the UN did indeed have the power to act. These states, also, perhaps unknowingly, struck a first blow against one of the founding principles of the United Nations: non-interference in domestic affairs (Article 2.7 of the Charter). As Thomas Buergenthal has argued, by taking this step the UN began to pierce the veil of national sovereignty of states in order to respond to serious cases of human rights violations.

This example notwithstanding, the post-war no power to act doctrine was not seriously challenged until 1945, when a group of newly-independent states from Africa, the Middle East and Asia started to press the UN to respond to human rights violations associated with colonialism, racism and apartheid. In June of that year, the UN Committee on Decolonization called on the Commission ‘to consider individual petitions concerning human rights violations in the territories under Portuguese Administration, South Africa and South Rhodesia.’ Pursuant to this request, ECOSOC invited the Commission ‘to consider as a matter of importance and urgency the question of human rights violations in the territories to which the above complaints relate, and to promote on the ground of the above complaints the development of such procedures as may be possible.’

This ‘no power to act’ doctrine held sway for over twenty years (1946–1966). During that time, the Commission gave priority to human rights promotion actions, such as drafting the International Human Rights instruments, and repeatedly rejected the notion that it had a protection mandate. For example, in 1947 an ECOSOC resolution recognised the capacity of the Commission to receive communications submitted by individuals, but stated that it did not have the power to take any action in regard to any complaints concerning human rights.

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Though the ‘no power to act’ doctrine would not be seriously challenged until 1945-1966, it began to fray around the edges a number of years earlier. Perhaps the most remarkable (and often overlooked) example of this came in the autumn of 1963, when fourteen (developing country) members of the UN requested that the General Assembly agenda include a discussion on the ‘Violation of Human Rights in South Viet-Nam.’ These members alleged that the Diem regime had embarked upon a systematic campaign to repress the religious and civil rights of Vietnamese Buddhists, who comprised over seventy per cent of the population. On 4th October, after the General Assembly had placed the item on its agenda, the Government of South Viet-Nam invited representatives of the United Nations to visit the situation on South Viet-Nam on their own initiative. On 11th October, the President of the General Assembly began to assemble a mission to be led by Abdul Rahman Pazwak of Afghanistan, then Chair of the Commission on Human Rights, with the assistance of John P. Humphrey, Director of the Secretariat’s Human Rights Division.

Although this was not a ‘Special Procedure’ in the sense that we now understand the term (it was made up of state representatives not independent experts), it nevertheless represented an effort by the UN to respond to allegations of human rights violations in a certain country, by organising a visit to seek factual evidence…

This ‘no power to act’ doctrine consistently proved more difficult to achieve than the first. A second part of this new human rights architecture—

Part II ORIGINS

THE VIOLATION OF HUMAN RIGHTS...IN ALL COUNTRIES... (1965)

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ECOSOC resolution 1235 (XLII), adopted in August 1967, authorised the Commission to examine information relevant to gross violations of human rights and fundamental freedoms, including through a study of situations which reveal a consistent pattern of violations of human rights.

Perhaps the most important [and generally overlooked] words in resolution 1235 (XLII) however, appear in its very first paragraph. Although the resolution (in common with all the momentous decisions of the General Assembly, ECOSOC and the Commission between 1966 and 1967) was focused primarily on the question of human rights violations in the context of racial discrimination and apartheid, it nonetheless welcomed the decision of the Commission to consider the question of the violation of human rights...in all countries.'

As will be seen, it was never the intention of the sponsors of the first two Special Procedures to establish a new human rights protection mechanism to cover, potentially, every country in the world. Yet that is exactly what was to happen.

PART II

THE ACCIDENTAL EMERGENCE OF THEMATIC SPECIAL PROCEDURES (1975-1980)

Two years later, in 1969, India, Mauritania, Pakistan and Yugoslavia tabled a resolution establishing a further Working Group, on the situation of human rights in the Palestinian territories occupied since 1967.17 Thirteen countries voted in favour of the resolution, one voted against (Israel) and sixteen abstained (mainly Western and Latin American States).18

Until this point, the Commission’s work under the mandate provided by ECOSOC resolution 1235 (XLII) had been focused solely on racial discrimination and colonialism, especially in the context of Africa. Between 1975 and 1980, however, the Commission’s focus shifted to political developments in Latin America, a shift that would have deep and lasting consequences for the Special Procedures system.

First, the shift represented a de facto rejection of the assumption or understanding [on the part of the initiators and sponsors] that the mandates on apartheid, South Africa and the Territories occupied since 1967.

In 1975, against a backdrop of international concern at the violent coup d’état in Chile and doubts as to the effectiveness of the UN’s confidential 1503 procedure for dealing with allegations of human rights violations (as opposed to the public 1235 procedure), the Commission adopted resolution 8 (XXXII), establishing an Ad Hoc Working Group on the situation of human rights in Chile. The resolution was tabled by Senegal (combining drafts provided by the UK, Netherlands, Nicaragua and the USSR) and was adopted without a vote.

The Ad Hoc Working Group on Chile would be composed of five experts and was to report to the Commission at its 32nd session. Four years later, the Ad Hoc Working Group was transformed (partly to reduce costs) into a Special Rapporteur on the situation of human rights in Chile,19 the first Special Rapporteur with a country mandate.

Concerns over the issue of enforced disappearances were, however, by no means limited to Chile – a point made by the US delegation in 1978, when the General Assembly’s Third Committee met to consider the report of the Ad Hoc Working Group on Human Rights in Chile. During the ensuing debate, the US argued that the problem of missing persons was ‘not limited to Chile,’ but also existed in Cyprus and Argentina. On this basis, the delegate argued that ‘a mechanism should be set up to examine the problem.’20

During the second half of the 1970s, the phenomenon of disappearances was particularly associated with Argentina. At the 1979 session of the Commission, a draft resolution was introduced by Western states concerning the practice of disappearances. This mentioned Argentina by name and proposed the establishment of a mechanism with more or less similar competences to the Ad Hoc Working Group on Chile. But, taking note of UN action against Chile, and fearful of being ‘named and shamed’ in the international arena, Argentina launched a massive diplomatic offensive to avoid the condemnation and institutionalization of the case of Argentina in the United Nations.21

Action on the draft was consequently postponed – though not for long. At the Commission’s 1980 session, Western arguments that disappearances were not limited to Chile, a weakening of Non-Aligned Movement (NAM) support for Argentina and the effects of the enlargement of the Commission from 32 to 43 members (including countries ‘with a commitment to improved procedures’),22 combined to move the Commission towards establishing a new Special Procedure. However, by arguing that the creation of a country-specific mechanism would be discriminatory, Argentina eventually succeeded in channeling Commission action towards the adoption of a mechanism with a thematic mandate: the Working Group on enforced or involuntary disappearances.

Ironically, considering the impetus behind this step was partly a wish, on the part of states, to avoid the spread of Special Procedure mandates to address violations in all countries, the emergence of thematic mandates achieved precisely that. Thematic mandates may be vertically limited in terms of the narrowness of the issue(s) at hand, but they are not limited horizontally (geographically). In other words, they can investigate that issue in any country of the world, without the Commission’s explicit authorization, and regardless of a particular State’s ratification of relevant human rights conventions. This move towards thematic mechanisms is considered by Miko Lempinen to be ‘one of the most dramatic developments in the work of the Commission on Human Rights after the abandoning of the doctrine of inaction more than a decade earlier’. Its profound impact, however, ‘may not have been fully realized’ by governments at the time.23

In the United Nations. Yet that is exactly what was to happen.

With the establishment of the first thematic mandate (1980), building on the success of the first country Working Group (1969) and country Special Rapporteur (1979), a new phase in the development of Special Procedures began, which might be labelled as an ‘auto-development’ phase.

With the legal basis to act against violations of human rights and the ‘ways and means’ of doing so (country and thematic Special Procedures) both firmly in place, it now fell to the courage and ingenuity of the mandate-holders themselves to drive the mechanism’s development. They began almost immediately.

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AUTO-DEVELOPMENT’ OF SPECIAL PROCEDURES (1980-1993)

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Upon his appointment as UN Special Rapporteur on human rights in Chile, Justice Abdoulaye Diaye (Senegal) immediately faced opposition from states arguing that he did not have the mandate to consider petitions from victims and that all communications should be handled through the confidential 1503 procedure. When Justice Diaye responded that the UN had authorized him to determine the best methods for investigating possible violations, he set an important precedent for the independent development of working methods by mandate-holders.

Building on the leadership and independence of Justice Diaye and earlier mandate-holders, the Working Group on enforced disappearances began to develop its own unique methodology, including the establishment of a communications procedure for petitions, regular meetings to take decisions on cases, the conduct of country visits to meet with governments and NGOs, and the presentation of annual reports to the Commission.

The Working Group on enforced disappearances was soon followed by new thematic mandates: a Special Rapporteur on extrajudicial, summary and arbitrary executions (1982); and a Special Rapporteur on torture, and other cruel, inhuman or degrading treatment (1985). These individual thematic mandates would introduce further innovations and set important precedents for the future. For example, Amos Wako, the first Special Rapporteur on extrajudicial, summary and arbitrary executions, addressed country-specific situations in his annual reports and, at state inquiries, insisted on the report’s discussion and consideration. Peter Kooijmans, the first Special Rapporteur on torture, focused on the communications mechanism and was the first to develop urgent Appeals.

A pattern emerged whereby these and other mandate-holders would develop and apply a flexible interpretation of their mandate (often in the face of state opposition), which afterwards the Commission would endorse. Eventually these individual innovations and steps forward would combine to become the procedural standards employed by all thematic and country Special Procedures.
### SPECIAL PROCEDURES TIMELINE

#### Name of Mandate
- Apartheid
- South Africa
- Occupied Palestinian Territories
- Economic, social and cultural rights
- Chile
- Disappearances in Chile
- Democratic People's Republic of Korea
- Disappearance
- Eli Schluder
- Enforced or involuntary disappearances
- Guatemala
- Iran
- Iraq
- Armenia
- Afghanistan
- Armenia
- Bangladesh
- Bosnia
- Yugoslavia
- Missing persons
- Belgium
- Somalia
- Chile
- Sale of children, child prostitution and child pornography
- China
- Former Territory Occupied by Iraq
- Cuba
- Antigua and Barbuda
- Property
- Dominican Republic
- Former Yugoslavia
- Indicating/missing persons
- Democratic Republic of Congo
- Indigenous peoples
- Indonesia
- Nigeria
- Afghanistan
- Afghanistan
- Argentina
- Armenia
- Azerbaijan
- Bahrain
- Bolivia
- Brazil
- Brunei
- Bulgaria
- Bosnia and Herzegovina
- South Africa
- Burundi
- Georgia
- Cambodia
- Cyprus
- Democratic Republic of the Congo
- Central African Republic
- Cuba
- Dominican Republic
- Egypt
- Honduras
- Iran
- Iraq
- Armenia
- Azerbaijan
- Bangladesh
- Bhutan
- Brazil
- Burma
- Burundi
- Cambodia
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WIDER STILL AND WIDER...


Similarly, the Working Group on disappearances, the Special Rapporteur on extrajudicial, summary and arbitrary executions and the Special Rapporteur on torture were soon followed by new thematic mandates: a Special Rapporteur on religious intolerance (1986); a Special Rapporteur on mercenaries (1987); a Special Rapporteur on the sale of children (1990); and a Working Group on arbitrary detention (1991).

Virtually every annual session of the Commission resulted in the creation of one or more new Special Procedures mandate(s). Initially, new mandates continued to focus on core rights associated with physical integrity and on civil and political rights. However, after the adoption of the 1993 Vienna Declaration and Programme of Action, which proclaimed that ‘all human rights are universal, indivisible and interdependent and interrelated and must be treated “globally in a fair and equal manner, on the same footing, and with the same emphasis,” and must be treated “globally in a fair and equal manner, on the same footing, and with the same emphasis,”’ the first such mandate – the Special Rapporteur on toxic waste – was established in 1995, and between 1995 and 2002, the Commission established further mandates on extreme poverty, education, food, foreign debt, structural adjustment, adequate housing, and health.

Looking at the quantitate evolution of Special Procedures mandates over time (see right), two major trends can be discerned:

- The first is the overall quantitative expansion of the mechanism since the start of the 1980s. In 1980, there were only 4 mandates. By 1990, the number had grown to 14, and in 2000, it had increased to 34. By the time the Commission on Human Rights was replaced by the Human Rights Council in 2006, there were 40 Special Procedure mandates. Since then, the rapid growth (some would say ‘proliferation’) in the number of mandates has continued, and in May 2014, the number of active Special Procedure mandates reached 50 for the first time.

- The second trend relates to the balance of country and thematic mandates. Since 1993 (the date of the Vienna Declaration), there has been a significant absolute decline in the number of country mandates (though with a small reversal of this decline since the US joined the Human Rights Council in 2009) and an even more significant relative decline of country mandates vis-à-vis thematic mandates. From a peak of 18 country mandates in 1994, the number dropped over the following 15 years to a low of 8, while during the same time the number of thematic mandates grew from 12 to 31. In 1998, the number of thematic mandates surpassed the number of country mandates for the first time. Today, there are 37 thematic mandates and only 13 country mandates.

This reversal in fortunes has been driven by a number of factors, but at a most basic level it is because of the broad acceptance of thematic mandates as a tool and the (almost) limitless number of human rights ‘themes to be – potentially – addressed, as opposed to the (generally) politically divisive nature of country mandates.”

The contentious nature of country mandates means that such mandates are both difficult to establish (securing the votes to establish country mandates has always been a challenge, often falling along geopolitical fault lines of East and West or, more recently, North and South) and more prone to be discontinued than their thematic counterparts. On the latter point, this is because country mandates only last one year (unlike three years for thematic mandates) and, generally speaking, any small positive change or improvement in a given country’s political situation is likely to be used by some countries (usually including the country concerned) to argue for the termination of the mandate (or its transformation into a mandate focused on capacity-building).

The net result of this dynamic is startling. Since 1967 (during which time 79 Special Procedures mandates have been established: 42 thematic, 34 country specific, and 3 ‘mixed’), while country mandates have only ever been discontinued on one occasion, with the 2000 merger of the Independent Expert on Structural Adjustment Policies and the Special Rapporteur on the effects of foreign debt (even then it is notable that the mandates were not dropped but combined).

When is a Special Procedure not a Special Procedure?

It is perhaps useful, at this point, to consider the question of definitions, in particular: what is a Special Procedure (and what isn’t)?

A given UN resolution establishing a new human rights mechanism will not specify whether that mechanism is a ‘Special Procedure.’ Rather, attaching the Special Procedure ‘label’ to a given mechanism is a matter of interpretation and judgement based, mainly, on the function, form and methods of work of the mandate. But this is not always straightforward or clear-cut. Even today, following efforts to rationalise and improve clarity around the different types of and nomenclatures attached to Special Procedure mandates, there can still be confusion. For example, some diplomats consider the UN Expert Mechanism on the Rights of Indigenous Persons to be a Special Procedure, while others (a majority) don’t. Earlier, during the Special Procedure mechanism’s formative years in the Commission, this conceptual confusion was significantly worse – mainly because Special Procedures evolved in an ad hoc manner to meet the needs of the time – with little thought to system-wide cohesion or standardisation.

A good example of this conceptual opacity relates to the emergence of economic, social and cultural rights mandates. It is generally assumed that, as noted in this Policy Brief, the first such mandate was established in 1995: the Special Rapporteur on toxic waste. However, an objective review of UN resolutions shows that, in 1969, the Commission established a Special Rapporteur on Economic, Social and Cultural rights, tasked with reporting to the Commission on the ‘realization, without distinction of any kind of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights’ (1969-1974). And in 1991, it established an Independent Expert on Property (1991-1994).

Were these then not the first economic, social and cultural rights mandates? The answer, in our opinion, is no. This is principally because their function and methods of work do not fit within the broadly accepted theoretical framework that allows them to be identified as Special Procedures sensu stricto. In particular, these and similar mechanisms were charged with specific, time-bound tasks such as preparing studies or reports for consideration by the Commission, rather than with broader (and longer-term) promotion and protection functions.10

Note: Primary research conducted by Hilary Power, Universal Rights Group. For a full interactive timeline see www.universal-rights.org/research/special-procedures-timeline


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10. In particular, these

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11. In particular, these
THE ‘SYSTEMISATION’ OF SPECIAL PROCEDURES (1993)

If one lesson, above all else, can be gleaned from the early history of Special Procedures, it is that the system developed not according to any grand design, but rather in an ad hoc, incremental manner. States identified a gap – the need to address the violation of human rights in all countries – and the Special Procedures system grew organically to fill that gap.

Indeed, it was only in the early 1990s that people began to conceive of Special Procedures as a new, distinct and coherent system or mechanism. By this time, it had become clear that the system’s various constituent parts (the different mandates) all had clearly defined and broadly similar roles and methods of work, and were increasingly projecting themselves collectively as well as individually. The explicit importance that states attached to ‘preserving and strengthening the system of special procedures’ in the Vienna Declaration further codified and legitimised this ‘systemisation’ of the mechanism.

The Vienna Declaration also encouraged Special Procedures to ‘harmonise and rationalise their work through periodic meetings’. Accordingly, in 1993, Special Procedures began convening annual meetings, which allowed them to work together to further systematise and professionalise the mechanism. At their sixth gathering in 1999, they adopted a Manual of Operations (since updated) that aimed ‘to provide guidance to mandate holders...and to facilitate a better understanding of their work by other stakeholders’. At their 12th annual meeting in 2005, mandate-holders made further efforts to coordinate their work by founding a five-person Coordination Committee.

Vienna also helped improve organisational support for Special Procedures. The Declaration called for the provision of ‘necessary human and financial resources’ to support their work, while the recommendation to the General Assembly to establish an Office of the High Commissioner for Human Rights (OHCHR) helped institutionalise and regularise that support – a task that would be led by the Office’s Special Procedure Branch (initially established in 2003).

PART III

REFORM

SPECIAL PROCEDURES REFORM: AN ELUSIVE GOAL

The flip side of systematisation, however, was that states and other stakeholders (including mandate-holders themselves) were now able to stand back, perceive and question what they had created. States in particular did not always like what they saw.

With the realisation that Special Procedures now represented a distinct and increasingly important human rights mechanism came the impetus to conduct systemic reviews of the mechanism – partly to ensure that all stakeholders (especially states and mandate-holders) had a common understanding of its parameters (its scope, what it could do and, importantly from the perspective of states, what it could not do), and partly to allow states to try to exercise some degree of control over the mechanism’s continued evolution.

There have been three serious efforts to undertake a systemic and comprehensive review and reform of the Special Procedures system:

1. By the Commission between 1998 and 2000;
2. In the context of broader UN reforms between 2002 and 2004; and
3. A review, rationalisation and improvement (RRRI) exercise at the time of the establishment of the Human Rights Council in 2006 and in the context of the Human Rights Council’s five-year review in 2011.

In general, these reform exercises have embodied the law of diminishing returns, with each achieving less than the one before.

1998–2000 COMMISSION REFORMS

In 1998, the Commission decided to conduct a review of its mechanisms with a view to enhancing their effectiveness. A key factor underlying the decision to undertake the review was a concern about the ‘proliferation’ of special procedure mandates and a recognition of the ‘ad hoc manner’ in which the system had developed up until this point. To inform the review, the Commission’s Bureau presented a report in late 1998, which noted that while ‘the Special Procedures had been one of the Commission’s major achievements,’ there was nonetheless scope for rationalizing and strengthening the existing network.

The Bureau’s report made a number of astute observations about the nature of the Special Procedure system and the key determinants of its influence on human rights policy, and made a number of important recommendations. These included concrete proposals to rationalise the expanding network of Special Procedures by merging, broadening, transforming, terminating and (in one case) creating mandates (see below).

It also, inter alia:

- Reaffirmed that the standard three-year term for thematic mandates should be maintained and that consideration be given to increase the one-year term of country mandates;
- Recommended that a greater role be assigned to the Chair of the Commission in securing government responses to Urgent Appeals (petitions);
- Proposed the inclusion in every Commission session of regular, focused and systematic deliberations on serious incidences of non-cooperation by governments; and
- Proposed the establishment of a regular dialogue in the Commission on implementation and follow-up.

The Bureau’s report, together with submissions from other stakeholders including Special Procedure mandate-holders themselves, was then considered by an inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, made up of all states. The final report of this Working Group, perhaps unsurprisingly, significantly watered down the proposals put forward by the Bureau.

On the matter of rationalisation, the Working Group agreed with the Bureau that the mandates on structural adjustment and on foreign debt should be merged, but essentially rejected or put off all other recommendations. The Bureau’s recommendations to convert the mandate on toxic waste into a broader mandate on human rights and the environment, and the proposal to terminate the mandate on the use of mercenaries were both put off until 2001, when they would be considered in the context of the normal mandate renewals. The suggestions to transform the Working Groups on arbitrary detention and on enforced disappearances into Special Rapporteurs were both rejected. The Working Group did, however, recognise the risks involved in the continued organic expansion and ad hoc evolution of Special Procedures, and proposed that a thorough review of all mandates should be conducted periodically by the Commission, based on certain general criteria to guide decision-makers.

Other key recommendations of the Bureau were similarly watered down:

- While the Working Group agreed, for example, that financial support for Special Procedures should be ‘significantly improved’, no steps were put in place to secure those improvements;
2002-2004 UN-WIDE REFORMS

The ink was barely dry on Decision 2000/109 before a second effort at reviewing and reforming the system of Special Procedures began with the publication of the UN Secretary-General's landmark 2002 report. Strengthening of the United Nations: an agenda for further change. Itself part of the process of UN reform kick-started at the Millennium World Conference on Sustainable Development, the report paid particular attention to human rights, including key mechanisms such as Special Procedures.43

The report noted that these ‘vital instruments’ had proliferated in an ad hoc fashion and without clear ground rules for their operation,10 and called for steps to improve the quality of the Special Procedures system, including creating better guidelines for their operation, and for (related) improvements in the accountability of mandate-holders.44

As part of the process of UN reform, and after having considered the report of the Secretary-General, the General Assembly adopted resolution 67/200 (20 February 2003) which requested, inter alia, the Commission on Human Rights and the relevant intergovernmental bodies to review the human rights special procedures in order to rationalize their work and enhance their effectiveness, and again urged the High Commissioner to support the review.45

One of the key lessons of the 1998-2000 review, which one diplomat familiar with the negotiations described as ‘a year long slog ending in a 0-0 draw’, was the political sensitivities and difficulties to rationalisation and improving the Special Procedure mandates. At one level, this difficulty stemmed from the ‘competing considerations involved’ in, on the one hand, ‘responding to human rights imperatives’, and, on the other, avoiding an ‘unnecessary proliferation’ of mandates that would create difficulties in terms of overlap and inadequate support services, as well as straining the capacity of States to absorb the output.48 But at another level, the difficulty was purely political: stemming from differences of opinion as to which mandates (and types of mandate) were useful or not, and a determination on the part of sponsoring states to protect their favoured mandates.

The third (and final) set of opportunities to reform the Special Procedures mechanism came in the context of the establishment and institution-building processes of the new Human Rights Council in 2006, and the new body’s five-year review in 2011.

In October 2005, OHCHR organised an open-ended seminar on enhancing and strengthening the effectiveness of Special Procedures. Although not formally convened to contribute to the Human Rights Council’s institution-building process, the meeting nevertheless took place against a backdrop of international moves to establish the new human rights apex body. The meeting reaffirmed the coalescing of views around certain key challenges for the Special Procedure system that had become evident during previous reviews, namely: independence and accountability, ‘proliferation’ and specialness, cooperation and follow-up, mainstreaming with the wider UN, secretariat support and the availability of resources, and the elaboration of working methods (communications, country visits, reporting, interaction with the media).

Ideas put forward during the meeting included:
• Employing mandate-holders on a full-time (paid) basis;
• Having OHCHR prepare an analysis of gaps and overlaps to aid rationalisation;
• Harmonising the nomenclature of Special Procedures;
• Strengthening the appointment procedure by establishing an ‘advisory panel’;
• Updating and improving the Manual, including by having stronger guidelines on interactions with the media and by reflecting the spread of new technologies;
• Drafting a new ‘Code of Conduct’ for mandate-holders (according to some of those present at the meeting, this was initially an idea proposed by Spain);
• Using the Coordinating Committee as a self-regulatory mechanism to deal with complaints against mandate-holders;
• Having OHCHR produce an annual ‘cooperation’ report containing statistics reflecting responses, or lack thereof, to requests for visits and communications (and putting this on the OHCHR website);
• Requesting the Secretary-General or High Commissioner to intervene in cases of sustained non-cooperation;
• Having the Human Rights Council play a systematic role in monitoring follow-up including, for example, by including a specific item on follow-up on its agenda; and
• Directing OHCHR to produce a report on the implementation of recommendations.49

Many of these themes and ideas were repeated the following year (2006) during negotiations on the Institutional Building Package (IBP) of the new Human Rights Council. General Assembly resolution 61/126, the ‘output’ of the IBP (which included all the ideas and recommendations referred to above) ultimately established a 0-0 draw,50 called upon the new body to review, and where necessary, improve and rationalise all mandates, mechanisms, functions, and responsibilities, and to establish a systematic framework for the Human Rights in order to maintain a system of special procedures.51

On 30th June 2006, the newly formed Council decided to extend all mandates, mechanisms, functions and responsibilities of the Commission for one year (including its 48 Special Procedure mandates: 11 country mandates and 29 thematic mandates)52 and then established an open-ended intergovernmental working group to formulate recommendations on the review, rationalisation and improvement of all mandates.53 The working group met three times – in October 2006, January 2007 and April 2007 – before the working group’s facilitator presented his report. By the end of the process, the Human Rights Council, Ambassador Luis Alfonso de Alba of Mexico.

Interventions during the 2006 IBP negotiations again centred on a number of systemic debates with implications for the future independence, scope and operational effectiveness of Special Procedures. Generally speaking, two distinct sides emerged. One was led by the West and some Latin American states and emphasised the importance of maintaining the independence of Special Procedures. This was backed by member states, and on whether a state-driven supervisory mechanism should be established to enforce that Code. The other was led by the African Group, the Organisation of the Islamic Conference (OIC) and the Non-Aligned Movement (NAM). They emphasised the need for greater supervision and accountability of mandate-holders. The negotiations were, according to their facilitator, Adama Tamboura of the Czech Republic, highly politicised and a painful reminder of the ‘similarly bumpy review exercise from 1998 to 2000’.54

The first major debate addressed the interlinked issues of independence and accountability, with different proposals put forward on the appointment of mandate-holders. This would continue to be the prerogative of the President after consulting his/her Bureau, the responsibility of the High Commissioner or the enhancements in the Code of Conduct (whether the Special Procedures’ own Manual was sufficient or whether a new Code of Conduct for mandate-holders should be created by member states) and on whether a state-driven supervisory mechanism should be established to enforce that Code.

The issue of the Code of Conduct eventually emerged as the main source of disagreement during the 2006 RRI process, with the West and Special Procedures mandate-holders setting aside the Code, and the African Group and NAM arguing that it must form a central plank of the IBP and must supersede the Manual. The latter group of states eventually won the day by tableling resolution 61/247 RRI on the adoption of a new Code of Conduct for mandate-holders (in addition to its existing RRI mandate) to “draft a code of conduct regulating the work of the special procedures.”

The Special Procedures’ position was that it had already completed a draft in order to ‘enhance the cooperation between Governments and mandate-holders.’ The resolution was adopted with thirty votes in favour, fifteen against and two abstentions.

The second key debate focused on the issue of quantitative expansion of the system. The General Assembly, and the Human Rights Council, had both, at some point, urged the system to strengthen the system by improving coverage and filling ‘protection gaps’ (for example, a non-paper by the facilitator identified gaps on the right to vote and be elected, the right of assembly and...
association, the right to privacy, the right to access to justice, and contemporary forms of slavery), or whether so-called ‘proliferation’ undermined/diluted the system by creating unnecessary and unmanageable duplication and overlap. In the end, there was neither the time nor the political will to find a compromise on this issue.

Linked with the issue of ‘proliferation’ was the issue of the continuation (or not) of country mandates, with some states arguing that the new Universal Periodic Review (UPR) process made such mandates unnecessary, and others arguing that particularly grave situations still necessitated country rapporteurs. According to one diplomat involved, the argument in favour of ending all country mandates came remarkably close to carrying the day, and was only averted by a last-minute gambit by a small number of Western states. In the end, only the mandates on Cuba and Belarus were discontinued.

The final outcome of the 2006 negotiations, encapsulated in Human Rights Council resolution 5/1, were small but important modifications to the Special Procedure appointment process, a vague statement that the RRI of mandates ‘would take place in the context of the negotiations of the relevant resolutions’ (essentially kicking the matter into the political ‘long grass’), an assertion that it would be preferable to move to a ‘uniform nomenclature…to make the whole system more understandable,’ and the establishment of the Code of Conduct. On the matter of state cooperation (or lack thereof) with Special Procedures, resolution 5/1 only said that ‘the principles of objectivity, non-selectivity, and the elimination of double standards and politicisation should apply,’ while on the matter of the implementation of recommendations and follow-up, the Human Rights Council remained silent. Notwithstanding these modest outcomes, Ambassador Husak later identified the ‘major achievement’ of the process to be ‘the retention of country resolutions’ (i.e. country mandates) as an instrument.10

General Assembly resolution 61/251 establishing the Human Rights Council also stipulated that the new body should ‘review its work and functioning five years after its establishment.’11 In principle this offered another opportunity for states to consider the challenges facing the Special Procedures system and identify ways to strengthen the mechanism so that it might better respond to its original (1967) mandate to study ‘situations which reveal a consistent pattern of violations of human rights.’ However, in practice the 2011 review achieved nothing more than a further crystallisation of opposing state visions of what the mechanism is and what it is there to do.12 Of the 437 state proposals put forward on the question of Special Procedure reform, 154 (35%) presented (conflicting) views on the question of independence and accountability, 31 (7%) focused on the ‘proliferation’ of mandates, 75 (17%) focused on what to do (or not to do) about state non-cooperation, 74 (17%) centred on secretariat support and the management of resources13 and 20 (5%) on implementation and follow-up. Unsurprisingly, the negotiations failed to agree on any significant changes to the status quo and, moreover, left many states wary of any further attempts at system-wide reform.

CONCLUSION

Today, there are fifty-one Special Procedures mandates - an increase of more than 25% over the past eight years. However, it is not clear that this rapid quantitative expansion is being matched by a corresponding improvement in the mechanism’s on-the-ground effectiveness.

If the Special Procedures are to remain relevant and credible in the 21st Century, it is clear that states and other stakeholders must ensure that the horizontal growth of the mechanism occurs in parallel to a ‘deepening’ in terms of its efficiency and real-world impact. To do so, policymakers must address the six interconnected ‘determinants of influence’ that lay at the heart of the mechanism’s contemporary effectiveness. These determinants, identified and analysed in the recent URG-Brookings Institution Policy Report on Special Procedures, are: independence and accountability; expertise and standing; flexibility reach and accessibility; cooperation; implementation and follow-up; and availability of resources and secretariat support.

While the three major Special Procedures reform exercises of the past twenty-five years have, by and large, failed to secure major improvements across these systemic issues, there are some signs that states are beginning to consider them and take tentative steps forward.

During the 25th and 26th sessions of the Human Rights Council, a number of states delivered statements focused on key ‘determinants of influence’ and how to improve them. These statements, by a newly-emerged ‘group of friends of Special Procedures,’ by the Like-Minded Group (LMG), and by India, covered key points including, inter alia, implementation and follow-up; cooperation; adequate, equitable and transparent funding; and equitable geographic representation and gender balance in the selection and appointment of mandate-holders.

While each of these statements offered different policy prescriptions, they were all based on a common understanding that states and other stakeholders, at the same time as adding more and more issues onto the agenda of the international human rights system, must pay attention to the health of the few mechanisms established to pursue those issues and implement international human rights norms.
This appendix provides an exhaustive list of all Special Procedures mandates established since 1967, based on primary research based on session reports of the Commission on Human Rights (‘the Commission’) since 1967 and Human Rights Council (‘the Council’) resolutions since its inception in 2006.

A Special Procedures mandate, for the purposes of this study, can be defined as an independent expert or group of experts referred to, inter alia, as Special Rapporteurs, Independent Experts, Special Representatives of the Commission, Special Representatives of the Secretary General etc.mandated by the Commission/Council to consider specific cases of country-specific or thematic (or in some cases both, e.g. Disappearances in Chile) human rights violations, and to report thereon to the Commission/Council as well as the General Assembly (GA) in some cases.

From 1967, the Special Procedures system developed in a somewhat ambiguous and ad hoc manner and was not recognised as a coherent ‘system’ or ‘mechanism’ as such until the 1990s. Because of this, and an ostensible lack of self-awareness in the early days of the system’s development, the status! of some of the Commission’s independent experts as Special Procedures per se was slightly ambiguous. For this reason, a number of the mandates recorded in this study have been categorised as ‘quasi-Special Procedures’. Those fall into three categories:

1. The mandate of Internally Displaced Persons started with a very narrow mandate, which was gradually expanded by the Commission over the years so as to become - beyond all doubt - a fully fledged ‘Special Procedure’, with all of the tools mandates enjoy today. The mandate began in 1992 with the Commission asking the Secretary-General to designate a representative to seek again views and information from all governments... and to submit a comprehensive study at the 49th session. This mandate was only established as a ‘mechanism’ in 2004 (the date OHCHR recognises to be the start of the mandate) when the Commission asked the Secretary-General, ‘in effectively building upon the work of his Representative, to establish a mechanism that will address the complex problem of internal displacement’. Despite the fact that this mandate was not recognised as a ‘mechanism’ until 2004, much like the Special Procedures system itself it had developed organically over time within the Commission. The period from 1992-2004 is thus interesting and important for the purposes of this study and has therefore been included, albeit as a quasi-Special Procedure.

2. Others established with similarly narrow mandates, typically to produce a report (or multiple reports) to be presented to the Commission, never evolved, and therefore never fully evolved into something we might today recognise as a ‘Special Procedure’. Nevertheless, they might just as easily have developed over time and were still independent experts appointed by the Commission to report to the Commission (rather than the Sub-Commission, as was more common practice at the time when commissioning reports). As such, these early mandates have also been included in this study marked as quasi-Special Procedures. Examples include the Special Rapporteur on economic, social and cultural rights (1949-1973), the Special Rapporteur on massive exoduses (1981-1982) and the Independent Expert on property (1991-1995).

3. The mandate of the Special Rapporteur on Equatorial Guinea ended in 1980, to be superseded by ‘advisory services’ which continued until an Expert of the Commission was established in 1992. The Commission asked the Secretary-General ‘to appoint... an expert in his individual capacity... with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms’ and further asked the Secretary-General, ‘in consultation with the expert, to provide the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country’. The Secretary-General reported to the Commission on a number of occasions, on the basis of assistance and recommendations from the independent expert. Later, in 1988 and 1989 the expert was asked by the Commission (directly, rather than indirectly through the Secretary-General) to report to it, while in 1990 and 1991 the Commission asked the Secretary-General to extend the mandate of the Export responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government. This period of the Commission’s focus on Equatorial Guinea might not be considered to be a Special Procedure per se – as it effectively reported to the Secretary-General rather than the Commission – yet this was still an independent expert charged (sometime) with directly reporting to the Commission on capacity-building activities not too dissimilar from a modern-day country-specific Independent Expert. As such, this mandate has also been included as a quasi-Special Procedure.

The three ‘mixed’ mandates have also been marked apart. Two of those have been categorised as ‘thematic sub-procedures’ of country-specific mandates; the Two Experts on disappearances in Chile (1979-1980) who were appointed from the Working Group on Chile to look into this thematic issue, and later the ‘Special Process’ on Missing persons in the Former Yugoslavia (1994-1997) which saw one of the members of the Working Group on enforced or involuntary disappearances cooperate with the Special Rapporteur on the Former Yugoslavia. The Special Rapporteur on Apartheid, described by B. G. Ramcharan as ‘the first investigative rapporteur’, was also a mixed mandate and the second Special Procedure to have been created. The work of the Special Rapporteur was eventually absorbed into the scope of the Working Group on South Africa after 3 years (in 1970).

For each mandate, notes concerning its establishment and, where relevant, its development and conclusion, are drawn from the reports of the Commission and the Council.

APPENDIX I: COMPREHENSIVE LIST OF SPECIAL PROCEDURES MANDATES OVER TIME (1967-2013)
<table>
<thead>
<tr>
<th>Name of Mandate</th>
<th>Title and timeframe</th>
<th>Mandate focus</th>
<th>Mandate Type</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Apartheid</td>
<td>Special Rapporteur [1967-1970]</td>
<td>Mixed</td>
<td>Special Rapporteur</td>
<td>Commission resolution 7[XXIII] ‘Decides to appoint a Special Rapporteur to survey United Nations past action in its efforts to eliminate the policies and practices of apartheid in all its forms and manifestations, to study the legislation and practices in South Africa, South West Africa and Southern Rhodesia, instituted to establish and maintain apartheid and racial discrimination in all their forms and manifestations in the Republic of South Africa, South West Africa and Southern Rhodesia, including such matters as forced labour, inequality of opportunity in the economic, social and educational fields, arrest, detention and treatment of prisoners, right to counsel and fair trial, and to report and to make recommendations to the Commission at its twenty-fourth session on the appropriate measures which might be taken by the General Assembly effectively to combat racial discrimination and the policies of apartheid and segregation.’</td>
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<td></td>
<td>Special Rapporteur [1993-Current]</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>With resolution 1993/2, the Commission ‘Decides to appoint a special rapporteur... To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories.’</td>
</tr>
<tr>
<td>Economic, social and cultural rights</td>
<td>Special Rapporteur [1969-1974]</td>
<td>Thematic</td>
<td>Quasi-Special Procedure (type 2)</td>
<td>A Special Rapporteur was appointed in 1969 to report to the Commission on ‘the question of the role of the Commission in this respect, on the realization, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status, of economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights’ by resolution 14 [XXVII]. The Special Rapporteur submitted a report to the 29th session in 1973, at which point he was authorised ‘to carry out further consultations, as he deems necessary, with the bodies of the United Nations concerned, the specialized agencies and appropriate regional intergovernmental organizations, and to report to the Commission at its 38th session. At the 38th Session, the Special Rapporteur was thanked for his report, and his duties were not renewed. Note: this was not a special procedure sensu stricto, as the Special Rapporteur was just asked to prepare a study on an issue rather than having a broader ‘mandate’. Nevertheless, this has been noted in the scope of this study because he reported to the Commission, rather than to the Sub-Commission and at this early time in the development of the special procedures, it is feasible that this could have become a mandate of sorts.</td>
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<td>Chile</td>
<td>Working Group (1975-1979)</td>
<td>Country-Specific</td>
<td>Working Group</td>
<td>Commission resolution 8 [XXVIII] ‘Decides that an Ad hoc Working Group of five members of the Commission, to be appointed in their personal capacity by the Chairman of the Commission on Human Rights and to operate under his chairmanship, shall inquire into the present situation of human rights in Chile on the basis of the above-mentioned resolutions and of a visit to Chile and of oral and written evidence to be gathered from all relevant sources.’</td>
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<td></td>
<td>Special Rapporteur [1979-1990]</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 11 [XXIX] decides ‘To authorize its Chairman, in accordance with General Assembly resolution 33/175 of 20 December 1978 to appoint Mr Abdusulaye Diéye as Special Rapporteur on the situation of human rights in Chile, who, on the basis of the mandate in Commission resolution 8 [XXVIII] of 27 February 1975 and, in contact with the Chilean authorities, will inquire into the present situation of human rights in Chile, and report to the Commission…’</td>
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<td>With Resolution 1990/78 the Commission ‘Decides that the present Chilean democratic process and management by the Government-elect will make for the restoration of the rule of law based on full enjoyment of human rights and fundamental freedoms, not to renew the mandate of the Special Rapporteur, as from the time the Government-elect takes office.’</td>
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<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
<td>Mandate Type</td>
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<td>Disappearances in Chile</td>
<td>Two Experts [1979-1980]</td>
<td>Mixed</td>
<td>Thematic Sub-Procedure</td>
<td>With Resolution 11 (XXXV), the Commission decided ‘to authorize its Chairman... to appoint as experts in their individual capacity, Mr. Felix Ermacora and Mr. Waled M. Sadi to study, in conformity with the modalities set forth in its resolution 8 (XXXI)... in co-operation with the Special Rapporteur and in contact with the Chilean authorities, the question of the fate of missing and disappeared persons in Chile, and to report to the Commission on Human Rights at its thirty-sixth session and, through the Special Rapporteur, to the General Assembly at its thirty-fourth session.’ This was essentially a thematic sub-procedure of the county-specific Chile mandate.</td>
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<tr>
<td>Equatorial Guinea</td>
<td>Special Rapporteur [1979-1980]</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 15 (XXXV) ‘Decides that a Special Rapporteur of the Commission, to be appointed by the Chairman of the Commission, be entrusted with the task of making a thorough study of the human rights situation in Equatorial Guinea, based on such information as he may deem relevant, and to report thereon to the thirty-sixth session of the Commission.’</td>
</tr>
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<td></td>
<td>Advisory Services: Secretary General assisted by an appointed ‘Expert’ [1980-1992]</td>
<td>Country-Specific</td>
<td>Quasi-Special Procedure [type 3]</td>
<td>The mandate of the Special Rapporteur on Equatorial Guinea which ended in 1980 was superseded by ‘advisory services,’ which continued until an ‘Expert of the Commission’ was established in 1992. The Secretary-General reported to the Commission on a number of occasions, on the basis of assistance and recommendations from the independent expert. Later, in 1998 (with resolution 1998/52) and 1999 (with resolution 1999/70), the expert was asked by the Commission - directly, rather than indirectly through the Secretary-General - to report to it, while in 1990 (1990/57) and 1991 (1991/80) the Commission asked the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government. This period of the Commission’s focus on Equatorial Guinea might not be considered to be a Special Procedure per se - as it effectively reported to the Secretary-General rather than the Commission - yet this was still an independent expert charged (sometimes) with directly reporting to the Commission on capacity-building activities not too dissimilar from a modern-day country-specific Independent Expert. As such, this mandate has also been included as a quasi-Special Procedure.</td>
</tr>
<tr>
<td></td>
<td>Expert of the Commission [1992-1993]</td>
<td>Country-Specific</td>
<td>Other</td>
<td>Commission resolution 1992/79 requested the Chairman of the Commission ‘following consultations with the Bureau, to appoint an individual of recognized international standing... as an expert of the Commission.’</td>
</tr>
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<td></td>
<td>Special Rapporteur [1993-1999]</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1993/69 requests the Chairman, ‘following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights who is entirely familiar with the situation in Equatorial Guinea as special rapporteur of the Commission.’</td>
</tr>
<tr>
<td></td>
<td>Special Representative of the Commission (1999-2002)</td>
<td>Country-Specific</td>
<td>Special Representative of the Commission</td>
<td>Commission resolution 1999/19 ‘decides to appoint a special representative of the Commission for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session.’ ENDS: Commission resolution 2002/11 ‘Decides to end the mandate of the Special Representative to monitor the situation of human rights in Equatorial Guinea.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
<td>Mandate Type</td>
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<tr>
<td>Enforced Involuntary Disappearances</td>
<td>Working Group (1980-Current)</td>
<td>Thematic</td>
<td>Working Group</td>
<td>Commission resolution 20 (XXXVI) ‘Decides to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons.’</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Special Envoy of the Commission (1981-1983)</td>
<td>Country-Specific</td>
<td>Other</td>
<td>Commission resolution 34 (XXXVIII) ‘Requests its Chairman to appoint, after consultations within the Bureau, a Special Envoy of the Commission whose mandate will be to make a thorough study of the human rights situation in Bolivia, based on such information as he may deem relevant, including such comments and materials as the Bolivian Government may wish to submit.’ 1982/33 ‘Decides to extend the mandate of the Special Envoy for another year’ but 1983/33 does not.</td>
</tr>
<tr>
<td>El Salvador</td>
<td>Special Representative of the Commission (1981-1992)</td>
<td>Country-Specific</td>
<td>Special Representative of the Commission</td>
<td>Commission resolution 32 (XXXVIII) ‘Requests its Chairman to appoint, after consultations within the Bureau, a Special Representative of the Commission.’</td>
</tr>
<tr>
<td>Massive Exodus</td>
<td>Special Rapporteur to produce a study (1981-1982)</td>
<td>Thematic</td>
<td>Quasi-Special Procedure (type 2)</td>
<td>Commission resolution 29 (XXXVII) ‘Decides to appoint for a period of one year a special rapporteur to study the question of human rights and massive exoduses… Invites the Chairman of the Commission to appoint an individual of recognized international standing as special rapporteur… Considers that the special rapporteur in carrying out his study may seek and receive information mainly from United Nations agencies or departments concerned, with due regard to the terms of reference of the agency and department concerned, and governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council.’ 1982/32 ‘Requests the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study, to explore further with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study and to remain available for consultations with the Group of Governmental Experts as required, but does not renew the mandate. Note: This was not a special procedure sensu stricto, as the Special Rapporteur (like the special rapporteur on economic, social and cultural rights before him) was just asked to prepare a study on an issue rather than having a broader ‘mandate’. Nevertheless, this has been noted in the scope of this study because he reported to the Commission, rather than to the Sub-Commission, and it is feasible that this could have become a fully-fledged mandate.</td>
</tr>
<tr>
<td>Extrajudicial, summary or arbitrary executions</td>
<td>Special Rapporteur [1982-Current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1982/29 recommended that ECOSOC should request the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as Special Rapporteur. ECOSOC resolution 1982/35 ‘Decides, therefore, to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions.’</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Special Rapporteur (1982-1986)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1982/31 ‘Requests the Chairman to appoint, after consultation within the Bureau, a Special Rapporteur of the Commission.’ Commission resolution 1986/62 ‘Decides to terminate the mandate of the Special Rapporteur and its study of the human rights situation in Guatemala but Requests the Chairman of the Commission on Human Rights at its forty-second session to appoint a special representative to receive and evaluate the information referred to in paragraph 7 above, to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
<td>Mandate Type</td>
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<tr>
<td>Poland</td>
<td>The Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland (1982-1984)</td>
<td>Country-Specific</td>
<td>Quasi-Special Procedure (type 2)</td>
<td>Commission resolution 1982/26 ‘Decides to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland, based on such information as he may deem relevant, and to present a comprehensive report to the Commission at its thirty-ninth session.’ The Secretary-General did appoint an expert to prepare the study, Mr. Hugo Gobbi, and resolution 1983/30 ‘Thanks the Secretary-General and Mr. Hugo Gobbi for the report on the human rights situation in Poland, prepared in accordance with Commission on Human Rights resolution 1982/26, and ‘Decides to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in its resolution 1982/26, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its fortieth session.’ Note: This is not a special procedure sensu stricto, as the expert was appointed essentially to assist the Secretary-General with the preparation of a report and was not given an independent mandate. Nevertheless, it is feasible that it could have become a fully-fledged mandate at this point in history.</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Special Rapporteur (1984-2003)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1984/55 and ECOSOC resolution 1984/37 ‘Requests the Chairman of the Commission on Human Rights to appoint an individual of recognized international standing as Special Rapporteur with the mandate to examine the human rights situation in Afghanistan.’</td>
</tr>
<tr>
<td></td>
<td>Independent Expert appointed by the Secretary-General (2003-2005)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 2003/77 welcomes the report of the Special Rapporteur, but instead of renewing mandate requests the Secretary-General to appoint an independent expert for a period of one year to develop, in strict collaboration with the Afghan Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the High Commissioner and the Assistance Mission, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations.’</td>
</tr>
<tr>
<td>Iran</td>
<td>Special Representative of the Commission (1984-2002)</td>
<td>Country-Specific</td>
<td>Special Representative of the Commission</td>
<td>Commission resolution 1984/54 ‘Requests the Chairman to appoint, after consultation with the Bureau, a special representative of the Commission.’ The 2002 renewal of the mandate was rejected by 20 votes to 19, with 14 abstentions (see para 240 of the Report of the 58th Session of the Commission on Human Rights).</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (2011-current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 16/9 ‘Decides to appoint a special rapporteur on the situation of human rights in the Islamic Republic of Iran.’</td>
</tr>
<tr>
<td>Torture</td>
<td>Special Rapporteur (1985-current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1985/33 ‘Decides to appoint for one year a special rapporteur to examine questions relevant to torture.’</td>
</tr>
<tr>
<td>Religion/Belief</td>
<td>Special Rapporteur on religious intolerance (1986-2001)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1986/20 ‘Expresses its deep concern about reports of incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief’ and ‘Decides therefore to appoint for one year a special rapporteur to examine such incidents and actions and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
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<tr>
<td>Special Rapporteur on freedom of religion or belief</td>
<td>2001-Current</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2000/33 ‘Decides to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief and that this change will be implemented at the next extension of the Special Rapporteur’s mandate.’ Anecdotal evidence suggests this name change was a decision made by the then mandate-holder to give a more positive slant to the mandate.</td>
</tr>
<tr>
<td>Mercenaries</td>
<td>Special Rapporteur (1987-2005)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1987/16 ‘Decides to appoint for one year a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination.’</td>
</tr>
<tr>
<td></td>
<td>Working Group (2005-Current)</td>
<td>Thematic</td>
<td>Working group</td>
<td>Commission resolution 2005/2 ‘Decides to end the mandate of the Special Rapporteur on mercenaries and to establish a working group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, made up of five independent experts, one from each regional group, for a period of three years.’</td>
</tr>
<tr>
<td>Romania</td>
<td>Special Rapporteur (1989-1992)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1989/75 ‘Decides to request its Chairman, after consultation with the Bureau, to appoint a special rapporteur of the Commission with the mandate to examine the human rights situation in Romania.’ Commission resolution 1992/64 does not renew mandate.</td>
</tr>
<tr>
<td>Haiti</td>
<td>Expert appointed by the Secretary-General (1987-1990)</td>
<td>Country-Specific</td>
<td>Other</td>
<td>Commission resolution 1987/13 ‘Decides, in view of the findings of the Special Representative and the information provided by the Government, to discontinue its consideration of the situation in Haiti under the procedure established by Economic and Social Council resolution 1503 (XLVIII) and Requests the Secretary General to appoint an expert with a view to assisting the Government of Haiti, through direct contacts, in taking the necessary action for the full restoration of human rights.’</td>
</tr>
<tr>
<td></td>
<td>Independent Expert appointed by the Chairman of the Commission (1990-1992)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 1990/54 ‘Requests the Chairman of the Commission on Human Rights to appoint an independent expert to examine developments in the human rights situation in Haiti and to help devise measures capable of making the necessary improvements.’ A year later, Commission resolution 1991/77 repeats this request, requesting ‘its Chairman to appoint an independent expert to examine developments in the human rights situation in Haiti and to help devise measures capable of making the necessary improvements.’</td>
</tr>
<tr>
<td></td>
<td>Independent Expert (1995-Current)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 1995/70 ‘Requests the Secretary-General to appoint an independent expert to furnish assistance to the Government of Haiti in the area of human rights, to examine the development of the situation of human rights in Haiti and to monitor the fulfillment by Haiti of its obligations in this field.’</td>
</tr>
<tr>
<td>Sale of children, child prostitution and child pornography</td>
<td>Special Rapporteur (1990-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1990/68 ‘Decides to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
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<td>Mandate Type</td>
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<tr>
<td>Iraq</td>
<td>Special Rapporteur (1991-2004)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1991/74 ‘Requests its Chairman, after consultation with the Bureau, to appoint an individual of recognized international standing in the field of human rights as special rapporteur of the Commission.’ The mandate of the Special Rapporteur was not renewed at the 60th session.</td>
</tr>
<tr>
<td>Kuwait Territories Occupied by Iraq</td>
<td>Special Rapporteur (1991-1992)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1991/67 Decides to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and to the Commission on Human Rights at its forty-eighth session. The mandate was not renewed at 48th session of the Commission.</td>
</tr>
<tr>
<td>Cuba</td>
<td>Special Representative of the Secretary-General (1991-1992)</td>
<td>Country-Specific</td>
<td>Special Representative of the Secretary-General</td>
<td>Commission resolution 1991/68 ‘Requests the Secretary-General, after consultation with the Chairman and the Bureau of the Commission, to appoint a special representative, in accordance with Commission decision 1989/113, to maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba.’</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (1992-1998)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1992/61 ‘Commends and endorses the report... prepared by the Special Representative of the Secretary-General’ and ‘Requests the Chairman of the Commission at its forty-eighth session 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.’ A draft resolution which sought to extend the mandate of the special rapporteur in the 54th Session (1998) was rejected by 19 votes to 16, with 18 abstentions (In favour: Argentina, Austria, Canada, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Luxembourg, Poland, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America; Against: Belarus, Bhutan, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Guinea, India, Indonesia, Malaysia, Mali, Mozambique, Pakistan, Russian Federation, Rwanda, South Africa, Sudan, Uganda; Abstaining: Bangladesh, Botswana, Brazil, Chile, Ecuador, Guatemala, Madagascar, Mexico, Morocco, Nepal, Pakistan, Russian Federation, Rwanda, South Africa, Sudan, Uganda; Abstaining: Bangladesh, Botswana, Brazil, Chile, Ecuador, Guatemala, Madagascar, Mexico, Morocco, Nepal, Pakistan, Russian Federation, Rwanda, South Africa, Sudan, Uganda). See Commission on Human Rights Report on the Fifty-Fourth Session (E/CN.4/1998/177), p.351.</td>
</tr>
<tr>
<td></td>
<td>Personal Representative of the High Commissioner (2002-2007)</td>
<td>Country-Specific</td>
<td>Other</td>
<td>Commission resolution 2002/18 ‘Requests the United Nations High Commissioner for Human Rights to take the steps necessary to send a personal representative with a view to cooperation between her Office and the Government of Cuba in the implementation of the present resolution.’ The mandate was one of two mandates not renewed by resolution 5/1 (Institution-building of the United Nations Human Rights Council), 18th June 2007.</td>
</tr>
<tr>
<td>Arbitrary detention</td>
<td>Working Group (1991-Current)</td>
<td>Thematic</td>
<td>Working Group</td>
<td>Commission resolution 1991/42 ‘Decides to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned.’</td>
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<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
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<tr>
<td>Property</td>
<td>Independent Expert (1991-1994)</td>
<td>Thematic</td>
<td>Quasi-Special Procedure (type 2)</td>
<td>Commission resolution 1991/19 ‘Requests its Chairman to entrust an independent expert with the task of preparing a study, within the existing resources, on the means whereby and the degree to which respect for the right to own property.’ Commission resolution 1993/21 ‘Decides to renew the mandate (emphasis added) of the independent expert for one year so that he may complete his report using the observations and comments submitted by Governments and intergovernmental and non-governmental organizations which could not be included owing to the time when they were received.’ 1994/13 ‘Welcomes the final report of the independent expert’ and does not renew the mandate. Note: As with the Special Rapporteur on economic, social and cultural rights, this is not a special procedure sensu stricto, as the expert is asked to prepare a study rather than having a broader mandate established. As he is an ‘independent expert’ tasked with reporting to the Commission (rather than the sub-Commission), however, it is still interesting for the purposes of this study and should be considered to be a Quasi-Special Procedure.</td>
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<tr>
<td></td>
<td>Special Representative of the Commission (2001-2003)</td>
<td>Country-Specific</td>
<td>Special Representative of the Commission</td>
<td>Commission resolution 2001/12 ‘Thanks the Special Rapporteur for his efforts to fulfill his mandate and takes note of his report’ and ‘Requests the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia.’ Mandate not renewed at the 59th session (2003).</td>
</tr>
<tr>
<td>Former Yugoslavia/Missing persons</td>
<td>‘Special Process’ (1994-1997)</td>
<td>Mixed</td>
<td>Thematic Sub-Procedure</td>
<td>Commission resolution 1994/72 ‘requests the Working Group (on Enforced or Involuntary Disappearances) represented by one of its members, to cooperate as appropriate with the Special Rapporteur (on the Former Yugoslavion in dealing with this issue. By the next session, this has become known as a ‘special process dealing with the problem of missing persons in the territory of the former Yugoslavia’ (Commission resolution 1995/35). The process is led by an expert member of the Working Group on Enforced or Involuntary Disappearances and reports to the Commission separately until 1997, when the process is not renewed.</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Special Rapporteur (1992-Current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1992/58 ‘Decides to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar...’</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Special Representative of the Secretary General (1993-2008)</td>
<td>Country-Specific</td>
<td>Special Representative of the Secretary-General</td>
<td>Commission resolution 1993/6 ‘Requests the Secretary-General to appoint a special representative.’</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (2008-current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 9/15 decides ‘to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur to carry out the former functions of the Special Representative to the Secretary-General.’</td>
</tr>
<tr>
<td>Somalia</td>
<td>Independent Expert (1993-current)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 1993/86 ‘Requests the Secretary-General to appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative of the Secretary-General for Somalia.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
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<tr>
<td>Freedom of opinion and expression</td>
<td>Special Rapporteur (1993-current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1993/45 'Requests the Chairman of the Commission to appoint, for a period of three years, after consultations with other members of the Bureau, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression.'</td>
</tr>
<tr>
<td>Contemporary forms of racism, racial discrimination, xenophobia and related intolerance</td>
<td>Special Rapporteur (1993-current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1993/20 'Decides, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requests the special rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session.'</td>
</tr>
<tr>
<td></td>
<td>Special Representative of the Commission (1997-2001)</td>
<td>Country-Specific</td>
<td>Special Representative of the Commission</td>
<td>Commission resolution 1997/64 'Requests the Chairman of the Commission to appoint a special representative with the 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.' Commission resolution 2001/23 'Decides to end the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda.'</td>
</tr>
<tr>
<td>Sudan</td>
<td>Special Rapporteur (1993-2003)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1993/60 'Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan.'</td>
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<td>A draft resolution renewing the mandate at the 59th session (2003) was rejected by 26 votes to 24, with 3 abstentions (In favour: Argentina, Armenia, Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, France, Germany, Guatemala, Ireland, Japan, Mexico, Paraguay, Peru, Finland, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Against: Algeria, Bahrain, Burkina Faso, Cameroon, China, Cuba, Democratic Republic of the Congo, Gabon, India, Kenya, Libyan Arab Jamahiriya, Malaysia, Pakistan, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Ukraine, Viet Nam, Zimbabwe, Abstaining: Thailand, Uganda, Venezuela). See Commission on Human Rights Report of the Fifty-Ninth Session, para 191, p.375.</td>
</tr>
<tr>
<td>Independent Expert (2004-2005)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>With Commission resolution decision 2004/128, 'The Commission requests its Chairman to appoint an independent expert on the situation of human rights in the Sudan for a period of one year and requests the independent expert to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session on the situation of human rights in the Sudan.'</td>
<td></td>
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<tr>
<td>Independent Expert (2009-Current)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>UNHRC resolution 11/10 'Decides to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year.'</td>
<td></td>
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<td>Name of Mandate</td>
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<tr>
<td><strong>Burundi</strong></td>
<td>Special Rapporteur (1995-2004)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1995/90 'Calls upon the Chairman of the Commission rapidly to appoint, after consultation with the Bureau, a special rapporteur with the task of drawing up, on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi for submission to the Commission at its fifty-second session.'</td>
</tr>
<tr>
<td></td>
<td>Independent Expert (2004-2011)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 2004/82 'Decides to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation.' The mandate ended with the establishment of the Independent National Commission of Human Rights (INCHR) in Burundi in accordance with Council resolution 9/19, which decided to extend the mandate of the independent expert until an independent national human rights commission has been established.</td>
</tr>
<tr>
<td><strong>Congo/Former Zaire/DRC</strong></td>
<td>Special Rapporteur (1994-2004)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1994/87 'Invites the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire.'</td>
</tr>
<tr>
<td></td>
<td>Independent Expert (2004-2008)</td>
<td>Country-Specific</td>
<td>Independent Expert</td>
<td>Commission resolution 2004/84 decides 'To appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled.' The mandate is not renewed in its first consideration after the Council is established (UNHRC resolution 7/20).</td>
</tr>
<tr>
<td><strong>Bougainville Papua New Guinea</strong></td>
<td>Special Representative of the Secretary General (1994-1995)</td>
<td>Country-Specific</td>
<td>Special Representative of the Secretary-General</td>
<td>Commission resolution 1994/81 'Requests the Secretary-General, in the light of developments between the adoption of the present resolution and 30 September 1994, to consider the appropriateness of appointing a special representative.' A Representative of the Secretary-General subsequently submitted a report to the 51st session of the Commission in 1995 (E/CN.4/1995/60/Add.1).</td>
</tr>
<tr>
<td><strong>Violence against women</strong></td>
<td>Special Rapporteur (1994-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1994/85 'Decides to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences.'</td>
</tr>
<tr>
<td><strong>Independence of judges and lawyers</strong></td>
<td>Special Rapporteur (1994-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1994/41 'Requests the Chairman of the Commission to appoint, for a period of three years, after consultation with the other members of the Bureau, a special rapporteur.'</td>
</tr>
<tr>
<td><strong>Hazardous substances/waste</strong></td>
<td>Special Rapporteur (1995-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1995/81 'Decides to appoint a special rapporteur for a period of three years.'</td>
</tr>
<tr>
<td><strong>Nigeria</strong></td>
<td>Special Rapporteur (1997-1999)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1997/53 decides 'To invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria.' Commission resolution 1999/11 does not renew the mandate.</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
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<tr>
<td>Structural adjustment policies*</td>
<td>Independent Expert [1997-2000]</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>Commission resolution decision 1997/103 requests 'the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights.' This mandate was merged with the mandate on the effects of foreign debt in 2000, with Commission resolution 2000/82, which established an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights. This merging of mandates was recommended by the Bureau in their Report to the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112 (E/CN.4/1999/104), Recommendation 1, p.14.</td>
</tr>
<tr>
<td>Effects of foreign debt on the full enjoyment of economic, social and cultural rights*</td>
<td>Special Rapporteur [1998-2000]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Resolution 1998/24 'Decides, in particular in the light of recent trends, 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.' This mandate was merged with the mandate on structural adjustment policies in 2000 with Commission resolution 2000/82, which established an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights. This merging of mandates was recommended by the Bureau in their Report to the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112 (E/CN.4/1999/104), Recommendation 1, p.14.</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur [2011-Current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 17/13 'Decides to extend the mandate of the current mandate holder as a special rapporteur on extreme poverty and human rights for a period of three years in conformity with the terms set forth in Human Rights Council resolution 8/11.'</td>
</tr>
<tr>
<td>Education</td>
<td>Special Rapporteur [1998-Current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 1998/33 decides to ‘appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education.’</td>
</tr>
<tr>
<td>Food</td>
<td>Special Rapporteur [2000-Current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2000/10 ‘Decides […] to appoint, for a period of three years, a special rapporteur, whose mandate will focus on the right to food.’</td>
</tr>
<tr>
<td>Adequate housing</td>
<td>Special Rapporteur [2000-current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2000/9 ‘Decides: To appoint, for a period of three years, a special rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living.’</td>
</tr>
<tr>
<td>Human Rights Defenders</td>
<td>Special Representative of the Secretary-General [2000-2008]</td>
<td>Thematic</td>
<td>Special Representative of the Secretary-General</td>
<td>UNHRC resolution 7/8 ‘Decides to extend the special procedure on the situation of human rights defenders as a Special Rapporteur for a period of three years.’</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur [2008-Current]</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
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<tr>
<td>Name of Mandate</td>
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<td>Mandate Type</td>
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<tr>
<td>Health</td>
<td>Special Rapporteur (2002-current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2002/11, ‘Decides to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’</td>
</tr>
<tr>
<td>Belarus</td>
<td>Special Rapporteur (2004-2007)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2004/14, ‘Decides to appoint a special rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-first session.’ The mandate was one of two mandates not renewed by resolution 5/1 [Institution-building of the United Nations Human Rights Council], 18th June 2007.</td>
</tr>
<tr>
<td>Belarus</td>
<td>Special Rapporteur (2012-Current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 20/13, ‘Decides to appoint a special rapporteur to monitor the situation of human rights in Belarus.’</td>
</tr>
<tr>
<td>Name of Mandate</td>
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<td>Mandate Type</td>
<td>Notes</td>
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<tr>
<td>DPR Korea</td>
<td>Special Rapporteur (2004-Current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2004/13 'Requests the Chairperson of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea.'</td>
</tr>
<tr>
<td>Trafficking in persons</td>
<td>Special Rapporteur (2004-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution decision 2004/110 'decided, without a vote (…) To appoint, for a period of three years, a Special Rapporteur, whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children.'</td>
</tr>
<tr>
<td>Internally Displaced Persons</td>
<td>Representative of the Secretary General (1992-2004)</td>
<td>Thematic</td>
<td>Quasi-Special Procedure (type 2)</td>
<td>Commission resolution 1992/73 'requests the SG to designate a representative to seek again views and information from all governments... and to submit a comprehensive study at the 49th session.' At the next session, the Commission passed resolution 1993/95 which 'Requests the Secretary-General to mandate his representative for a period of two years to continue his work.' In 1995, 1998 and 2001 the Commission passed resolutions that decided ‘to extend the mandate of the representative of the Secretary-General for a further three years.’ Note: The mandate on Internally Displaced Persons started with this very narrow mandate, which was gradually expanded by the Commission over the years so as to become - beyond all doubt - a fully fledged ‘Special Procedure,’ with all of the tools mandates enjoy today. The mandate began in 1992 with Commission resolution 1992/73 requesting the Secretary-General to ‘designate a representative to seek again views and information from all governments... and to submit a comprehensive study at the 49th session.’ This mandate was only established as a ‘mechanism’ in 2004 (the date OHCHR recognizes to be the start of the mandate) when the Commission asked the Secretary-General, ‘in effectively building upon the work of his Representative, to establish a mechanism that will address the complex problem of internal displacement.’ Despite the fact that this mandate was not recognised as a ‘mechanism’ until 2004, much like the Special Procedures system itself it had developed organically over time within the Commission. The period from 1992-2004 is thus interesting and important for the purposes of this study and has therefore been included, albeit as a Quasi-Special Procedure.</td>
</tr>
<tr>
<td></td>
<td>Representative of the Secretary General (2004-2010)</td>
<td>Thematic</td>
<td>Other</td>
<td>Commission resolution 2004/055 (which the OHCHR websites identifies as having established the mandate on IDPs) 'Requests the Secretary-General, in effectively building upon the work of his Representative, to establish a mechanism that will address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system.' This might be seen as the formalisation of the former ‘mandate’ of the Representative of the Secretary General, which had been in place since 1992.</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (2010-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 14/6 'Decides to extend the mandate of the special procedure on the human rights of internally displaced persons as a special rapporteur for a period of three years.'</td>
</tr>
<tr>
<td>Counter-terrorism</td>
<td>Special Rapporteur (2005-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>Commission resolution 2005/80 'Decides to appoint, for a period of three years, a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.'</td>
</tr>
<tr>
<td>Minority issues</td>
<td>Independent Expert (2005-current)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>Commission resolution 2005/79 'Requests the High Commissioner to appoint an independent expert on minority issues for a period of two years.'</td>
</tr>
<tr>
<td>Name of Mandate</td>
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<td>Mandate Type</td>
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<tr>
<td>International Solidarity</td>
<td>Independent Expert (2005-Current)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>Commission resolution 2005/55 'Decides... to appoint an independent expert on human rights and international solidarity for a period of three years.'</td>
</tr>
<tr>
<td>Contemporary forms of slavery</td>
<td>Special Rapporteur (2007-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 6/14 'Decides to appoint, for a three-year period, a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, to replace the Working Group on Contemporary Forms of Slavery of the former Sub-Commission.'</td>
</tr>
<tr>
<td>Water</td>
<td>Independent Expert (2008-2011)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>UNHRC resolution 7/22 'Decides to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation.'</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (2011-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 16/2 'Decides to extend the mandate of the current mandate holder as a special rapporteur on the human right to safe drinking water and sanitation for a period of three years.'</td>
</tr>
<tr>
<td>Human rights and transnational corporations and other business enterprises</td>
<td>Special Representative of the Secretary-General (2005-2011)</td>
<td>Thematic</td>
<td>Special Representative of the Secretary-General</td>
<td>Commission resolution 2005/69 'Requests the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises, for an initial period of two years.'</td>
</tr>
<tr>
<td></td>
<td>Working Group (2011-Current)</td>
<td>Thematic</td>
<td>Working Group</td>
<td>UNHRC resolution 17/4 'Decides to establish a Working Group on the issue of human rights and transnational corporations and other business enterprises, consisting of five independent experts, of balanced geographical representation, for a period of three years.'</td>
</tr>
<tr>
<td>Cultural rights</td>
<td>Independent Expert (2009-2012)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>UNHRC resolution 10/23 'Decides to establish, for a period of three years, a new special procedure entitled 'independent expert in the field of cultural rights', as set out in the relevant United Nations human rights instruments.'</td>
</tr>
<tr>
<td></td>
<td>Special Rapporteur (2012-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 19/4 'Decides to extend, for a period of three years, the mandate of the current mandate holder as a special rapporteur in the field of cultural rights.'</td>
</tr>
<tr>
<td>Peaceful assembly</td>
<td>Special Rapporteur (2010-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 15/21 'Decides to appoint, for a period of three years, a special rapporteur on the rights to freedom of peaceful assembly and of association.'</td>
</tr>
<tr>
<td>Discrimination against women</td>
<td>Working Group (2010-Current)</td>
<td>Thematic</td>
<td>Working Group</td>
<td>UNHRC resolution 15/23 'Decides to establish, for a period of three years, a working group of five independent experts.'</td>
</tr>
<tr>
<td>Democratic and equitable world order</td>
<td>Independent Expert (2011-Current)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>UNHRC resolution 18/4 'Decides to establish, for a period of three years, a new special procedures mandate of independent expert on the promotion of a democratic and equitable international order.'</td>
</tr>
<tr>
<td>Name of Mandate</td>
<td>Title and timeframe</td>
<td>Mandate focus</td>
<td>Mandate Type</td>
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<tr>
<td>Truth, justice, reparations</td>
<td>Special Rapporteur (2011-Current)</td>
<td>Thematic</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 18/7 ‘Decides to appoint, for a period of three years, a special rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence.’</td>
</tr>
<tr>
<td>Eritrea</td>
<td>Special Rapporteur (2012-Current)</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution 20/20 ‘Decides to appoint a special rapporteur on the situation of human rights in Eritrea for a period of one year.’</td>
</tr>
<tr>
<td>Syria</td>
<td>Special Rapporteur mandate</td>
<td>Country-Specific</td>
<td>Special Rapporteur</td>
<td>UNHRC resolution S-18/1 (passed at the 18th Special Session of the Human Rights Council) ‘Decides to establish the mandate of Special Rapporteur on the situation of human rights in the Syrian Arab Republic once the mandate of the commission of inquiry ends.’</td>
</tr>
<tr>
<td>Environment</td>
<td>Independent Expert (2012-Current)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>UNHRC resolution 19/10 ‘Decides to appoint, for a period of three years, an independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.’</td>
</tr>
<tr>
<td>Older persons</td>
<td>Independent Expert (2013-Current)</td>
<td>Thematic</td>
<td>Independent Expert</td>
<td>UNHRC resolution 24/20 ‘Decides to appoint, for a period of three years, an Independent Expert on the enjoyment of all human rights by older persons.’</td>
</tr>
</tbody>
</table>
1 Secretary-General’s message to the Third Session of the Human Rights Council (delivered by Mrs. Louise Arbour, High Commissioner for Human Rights), 29 November 2000.
2 Bertrand D. Ramcharan, Evolution of Human Rights Norms and Machinery, Markkula Center for Applied Ethics, Santa Clara University [date published: unknown].
6 Ibid, Article 68.
10 ECOSOC Resolution 728 F (XXXVIII) [Communications concerning human rights], 30th July 1959 UN Doc. E/5290, p.19.
11 Afghanistan, Algeria, Cambodia, Cayton, Guinea, India, Indonesia, Mongolia, Nigeria, Pakistan, Rwanda, Sierra-Leone, Somalia, Trinidad and Tobago. Subsequently joined by Mali and Nepal.
16 Ibid, para 14.
17 Unfortunately, the mission was terminated early on 3rd November 1963 when President Diem was overthrown in a coup and its report was never presented to the General Assembly.
18 Nilsö, op cit, p.11.
19 ECOSOC resolution 1102 (XL), 6 March 1966 [In UN Doc. E/1716, p.2].
20 UNCHR Resolution 2 (XXVII) [Declaration concerning 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], 29th March 1966.
21 ECOSOC resolution 1164 (XLIII) [Declaration concerning 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], 5 August 1966, in E/2644, p.26.
22 UNGA Resolution 2164 A (XXIII) [Declaration of the United Nations on the 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], 28th October 1966, operative para 12.
23 UNCHR Resolution 2002010 (Communicated dated 3 February 1967 from the Acting Chairman of the General Assembly’s Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa), 6th March 1967, submitted by Democratic Republic of the Congo, Dahomey, Iraq, Iran, Jamaica, Morocco, Nigeria, the Philippines, Senegal and the United Arab Republic; Co-sponsored by India and Pakistan.
24 UNCHR Resolution 7000001 (Action effectively to combat racial discrimination and the policies of apartheid and segregation). 16th March 1978, submitted by Democratic Republic of the Congo, Dahomey, Iraq, Iran, Jamaica, Morocco, Nigeria, the Philippines, Senegal and the United Arab Republic; Co-sponsored by India and Pakistan.
26 ECOSOC Resolution 9 (Ill) [Commission on Human Rights], 21 June 1946.
27 UNCHR Resolution 2000001 adopted 25 for, 0 against, 5 abstentions (France, Italy, New Zealand, UK, US); UNCHR Resolution 7000001 adopt- ed 28 for, 0 against, 2 abstentions.
28 UNCHR Resolution 6 (XXVIII) [Study and investigation of situations which reveal a consistent pattern of violation of human rights], 16th March 1967.
29 UNCHR Resolution 9 (Ill) [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], 16th March 1967, adopted by 27 votes to 0, with 9 abstentions [Commission on Human Rights: Report on the 23rd session, 20 February-23 March 1967, UN Doc. E/CN.4/740, p.133, para 60].
31 UNCHR Resolution 6 (XXVIII) [Question of human rights in the territories occupied as a result of hostilities in the Middle East], 4 March 1967.
32 At the Commission’s 27th session in 1971, Morocco and Pakistan tabled a resolution calling for consideration to be given to appointing a Special Rapporteur on colonialism and self-determination at its next (28th) session. However, this did not materialise.
33 UNCHR Resolution 1100001 [Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment], 6 March 1979.
34 Later, at its 36th session (1979) the Commission established two Experts on the fate of disappeared persons in Chile - a sort of thematic sub-procedure.
36 Gutter, op cit, p.87.
39 The Commission decided to change the title of this mandate to “Special Rapporteur on freedom of religion or belief” in 2000; UNCHR Resolution 2000023 [Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief], 25 April 2000, operates para 11.
41 Nevertheless, because of their similarities with Special Procedures - especially with modern thematic Independent Experts, because they reported to the Commission (rather than to the Sub-Commission as was the case with other, similarly-titled “Special Rapporteurs”).
42 South Africa (1995); Chile (1990); Equatorial Guinea (2002); Bolivia (1983); El Salvador (1999); Guatemala (1997); Afghanistan (2003); Iran (2002); Romania (1992); Iraq (2004); Kuwait Territories Occupied by Iraq (1992); Cuba (1998 – 2007); former Yugoslavia (2003); Rwanda (2001); Sudan (2003); Burundi (2011); Congo/Former Zaire/DRC (2006); Bougainville, Papua New Guinea (1995); Nigeria (1999); Liberia (2008); Belarus (2007); Chad (2005).
45 39 The Commission decided to change the title of this mandate to “Special Rapporteur on freedom of religion or belief” in 2000; UNCHR Resolution 2000023 [Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief], 25 April 2000, operates para 11.
47 Nevertheless, because of their similarities with Special Procedures - especially with modern thematic Independent Experts, because they reported to the Commission (rather than to the Sub-Commission as was the case with other, similarly-titled “Special Rapporteurs”), and because they could have, in principle, developed into full Special Procedures mandates (as others did from this starting point), the Universal Rights Group has included them in its mandate listing (see Appendix II as ‘quasi Special Procedures’).
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51