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HUMAN RIGHTS COUNCIL

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 2006, at 10 a.m.

Chairperson: Mr. BOSSUYT

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The meeting was called to order at 10.15 a.m.

IMPLEMENTATION OF HUMAN RIGHTS COUNCIL DECISION A/HRC/1/DEC/102 AND OTHER RELATED ISSUES (agenda item 7) (continued)

1. Mr. TOTSUKA (Japan Fellowship of Reconciliation) said that the Sub-Commission and its subsidiary bodies were the only forums in the world for addressing cases of human rights violations in which domestic legal systems could not help the victims. The Sub-Commission had in effect been the world's human rights ombudsman. Yet the Human Rights Council had decided that it would cease to exist in a year's time unless special measures were taken.
2. However, the mandates of some of the Sub-Commission's subsidiary bodies might be difficult to terminate. The Working Group on Contemporary Forms of Slavery, for example, had originally been established under the mandate on slavery that had passed from the League of Nations to the United Nations. A working group with such historic responsibility could not be dissolved without careful consideration. Similarly, the other subsidiary bodies had been established with the endorsement of the Commission on Human Rights and the Economic and Social Council. Evaluation could take more than a few months and therefore, given the valuable work those bodies performed, it might be wise for the Sub-Commission to transfer them to the Human Rights Council so that the mandates could be more carefully assessed over a period of years.
3. The Committee of Experts on Application of Conventions and Recommendations of the International Labour Organization (ILO) might provide a good model on which to base any future expert body, whose principal focus should be the implementation of human rights instruments. It should be empowered to consider submissions from the treaty bodies and special rapporteurs, as well as from States, non-governmental organizations (NGOs) and individuals. It should submit annual reports to the Human Rights Council on the human rights situations of all United Nations Member States.
4. Mr. LA Yinfan (China) said his Government considered that the Sub-Commission had played an important and positive role as a think tank of the Commission on Human Rights and had made significant contributions on a series of major human rights issues. Its responsibility for the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) had given it a remarkable and indispensable role in the promotion and protection of human rights.
5. In China's view, the Sub-Commission should be retained as the Human Rights Council's expert advisory body. Whatever its title might be, that body should be of similar size to the Sub-Commission and composed of independent experts elected according to the principle of equitable geographical distribution. It should avoid duplicating the work of the Human Rights Council and focus on thematic issues. It should also be given a mandate to consider communications under the 1503 procedure.
6. Mr. SATTAR said that General Assembly resolution 60/251 referred to several areas on which a future expert body could offer useful services. Human rights education (para. 5 (a)), for example, was an important shared responsibility of organs of the human rights system and

one in which the Council might well consider involving such a body, while open and informed dialogue with observer delegations of States, international organizations and NGOs on thematic issues (para. 5 (b)) had been one of the Sub-Commission's strong points.

7. The further development of international law in the field of human rights (para. 5 (c)) had likewise been one of the Sub-Commission's priority areas, and in its response to the Human Rights Council it should highlight the historic and valuable contribution its working groups and the Social Forum had made in that field.

8. With regard to the universal periodic review (para. 5 (e)), he believed it was perhaps more appropriate for States' performance to be monitored and judged by a forum of their peers than by an expert. Nevertheless, should that be the decision of the Human Rights Council, which comprised representatives of States, he was sure the future expert body could render useful service in the monitoring process. It might be able to conduct more general examinations of States' fulfilment of their obligations and could encourage wider adherence to the various conventions already in force.

9. It was important to highlight the pioneering contribution of the Sub-Commission to the evolution of human rights norms. Its research into new and challenging, not to say provocative, human rights issues, had helped shape new thinking and had been appreciated in many quarters. The Sub-Commission should make reference to objective appraisals of its work by superior bodies such as the Commission on Human Rights.

10. As to composition, the expert advice body should comprise independent experts from diverse legal backgrounds and geographical regions. Given that the General Assembly would be reviewing the status of the Human Rights Council in 2011, the Council might consider electing the first group of experts for the period 2007-2011, in order to ensure the existence of an expert body for that period and a degree of continuity in its work. In addition, he hoped that, given the stronger emphasis on human rights work and the General Assembly's increase in the resources allocated for such work, the Human Rights Council would consider reverting to past practice in its time allocation for the expert body.

11. Lastly, he said equity demanded that intellectual labour should be appropriately remunerated. The Sub-Commission should recommend that experts who contributed to studies or research papers on topics approved by the Human Rights Council should be paid an appropriate honorarium.

12. Mr. DECAUX said that there was a need for a collegial expert body that reflected the Sub-Commission's current composition, which not only lent itself to the development of personal relationships and balanced geographical representation but also allowed both small and large countries to provide independent experts. Reducing the number of members would create an elite club, jeopardizing the diversity that was the Sub-Commission's principal asset, while the experience of other, larger bodies showed that increasing the number would not necessarily increase effectiveness.

13. It was important for experts to be available for the full session and they should not hold so many other offices that they were prevented from carrying out studies and preparing reports. Alternates could play an important backup role in that regard.

14. An expert body must enjoy three-way independence, from States, from NGOs and from the Office of the United Nations High Commissioner for Human Rights (OHCHR). That could best be achieved not so much through the imposition of formal requirements for candidates but through greater transparency in the selection procedure, for example by publishing all curricula vitae on the Internet.

15. He said collegiality was important for two reasons. Firstly, it made it possible to seek consensus. Some maintained that the Sub-Commission had become politicized, but that had never been his impression. Given sufficient goodwill, it had been possible to reach consensus on a wide range of topics despite the group's diversity. It was not easy to accommodate views with which one initially did not agree in the higher interest of human rights.

16. Secondly, collegiality allowed a multidisciplinary approach, which was excluded for a lone special rapporteur, and a more consistent overall vision and continuity, which was not possible when experts were chosen from a roster on an ad hoc basis. Continuity was also fostered by the system of renewal of half the mandates at a time.

17. The expert body should be empowered to initiate studies - always subject to the approval of the Human Rights Council - wherever it saw a gap in the human rights system, either in the no-man's-land between different instruments or in areas not being addressed elsewhere. It should also serve as a focal point for treaty bodies and special procedures and the Chairperson should attend the Meeting of Chairpersons of Human Rights Treaty Bodies in order to enhance internal coordination within the system.

18. Room should also be found for the working groups. It was true that they always appeared as a major item in United Nations financial reports, but on the other hand they mobilized far more people than just the five Sub-Commission members involved, bringing together as they did all those groups on whose behalf they were working.

19. Turning to the functions of the expert body, he said that one of its principal tasks should be to carry out studies. It should draw up a specific programme of work, with a timetable and clear deadlines. It would also be necessary to discuss methods of work. The terms of the mandates of special rapporteurs and the authors of studies, for example, tended not to reflect the reality of the Sub-Commission's work. Such tasks were carried out on a voluntary basis and with secretariat assistance that was provided by staff who, however dedicated they might be, also had other commitments. Proper support of an ongoing nature was required.

20. Another major function would be the protection of human rights, in the sense of detailed analysis of real problems that arise, in permanent dialogue with States. The aim would not be to stigmatize States or encourage exchanges of rights of reply but to find concrete solutions.

21. A third function would be the complaint mechanism. The reforms introduced in 2000, supposedly to simplify the complaint procedure, had been a failure, for cutting the Sub-Commission out of the process had removed what little discussion and transparency had been possible. The two working groups currently responsible for communications formed a bottleneck and urgent cases of gross violations could take over two years to resolve.

22. The very concept of confidentiality also needed to be reviewed. The relevant working group concerned was no longer permitted even to send a general report on its work to the Sub-Commission, which was most frustrating. Confidentiality had no doubt been useful in the 1970s and was still important in protecting victims and ensuring a dialogue with States, but a balance had to be struck between confidentiality and accountability. The proposed reform would be an opportunity to create a more modern, more efficient mechanism to deal with those cases that could only be dealt with under the 1503 procedure.

23. Lastly, there was the monitoring function. Clearly it would not be for members of the Human Rights Council to prepare files for the universal periodic review, and OHCHR might also find itself in an awkward position if called upon to do so. An intermediate, independent, pluralist body, on the other hand, might have a role to play in the preliminary consideration and organization of basic information, such as reports from States or NGOs and the final comments of treaty bodies, and in preventing the application of double standards.

24. Ms. HAMPSON said that the Sub-Commission would not be able to give the Human Rights Council its vision of the need for expert advice unless it considered the human rights system as a whole, for in that context the need for an independent, standing collegial body became self-evident. It was necessary to consider the entire spectrum of human rights machinery, identify the types of advice the Human Rights Council would need and then look at which institutions were best placed to provide it.

25. The suggestion that the treaty bodies should be merged into one could most politely be characterized as insane. To begin with, the current treaty-monitoring bodies met for more than 52 weeks a year, which meant that the creation of one full-time body would represent an actual reduction in the time available for scrutiny. In addition, the existing bodies had developed a particular focus and expertise which would be lost if they were merged.

26. The current difficulties in that regard were undoubtedly real but they could be addressed in better ways. Certain of the committees could be made into full-time bodies, for example, and States parties' reporting burden could be reduced by ensuring that reviews took place every four years, as envisaged in the treaties. The process could begin with an initial report consisting of a core document and a treaty-specific report. The next report would consist only of the measures taken in the light of the recommendations produced following the review of the initial report, together with answers to questions regarding specific issues of concern. The third report would again be a comprehensive treaty-specific report and thus the cycle would continue. Such an approach would also highlight the importance of follow-up.

27. Moreover, generally speaking the monitoring bodies did not concern themselves with the operation in practice of the domestic remedies system. Yet that was part of their mandate, and it was an area they ought to address, for improvements in domestic remedies could be expected to exert a deterrent effect on the commission of violations and therefore reduce the need for international scrutiny, something which States ought to welcome.

28. Such an approach would require both a top-down and a bottom-up approach to implementation, which would depend on information from NGOs and national human rights institutions. It would be useful if the treaty bodies further improved cooperation among themselves and their interaction with the special procedures and, above all, with the

Sub-Commission or its successor. Such cooperation was in fact one of the functions of the Sub-Commission, yet a working relationship had developed only with the Committee on the Elimination of Racial Discrimination.

29. Turning to the Charter bodies, she said she found it an odd way to proceed, destroying something before having decided in detail what to replace it with. She hoped that, in the future, more specific undertakings would be required of those seeking membership of the Human Rights Council and also that there would be a system of rotation, to ensure both continuity and the injection of new blood. Much would depend on the arrangements put in place with regard to the universal periodic review and the outcome of the review of the special procedures and of the Sub-Commission.

30. Done well, the universal periodic review could be a very useful tool for improving the human rights situation worldwide. Done badly, it would be even worse than the system which had existed in the Commission and would greatly harm the idea of genuine accountability. It would probably be impossible for it to steer a middle course.

31. For the universal periodic review to work, a series of issues needed to be addressed. Who would determine who would be reviewed and when? How would the process be kept both objective and non-political while somehow engaging the responsibility of members of the Council? How would the Council avoid the very real possibility of undermining the work of the treaty bodies? A number of suggestions could be made in that regard.

32. The Human Rights Council should determine annually which States would be reviewed the following year. In addition, an expert body might be able, in accordance with criteria established by the Council, to propose an exceptional review, subject to Council approval, of a particular State on the basis of the international community's responsibility to take preventive action. OHCHR would gather all available documentation on a given State from reliable sources such as treaty-monitoring bodies, special procedures and NGOs. A quasi-judicial body of 12 to 15 experts with proven competence in international human rights law would examine the factual evidence in the light of the Universal Declaration on Human Rights and make a determination as to the issues to be raised, a task which could not be undertaken by an individual working alone, and probably not by OHCHR without prejudicing its impartiality.

33. The State would be given advance written notice of the issues and would enter into a dialogue with members of the Human Rights Council and the expert body. To that end, the Human Rights Council could form interregional chambers. Each State to be reviewed would be randomly allocated to a chamber. A member of the chamber, i.e. a member of the Human Rights Council, would be identified as the rapporteur on the State. There should be more independent experts than members of a chamber. The proceedings would be conducted in public. The expert body would then draw up recommendations and the Human Rights Council would determine how they should be followed up.

34. In order to avoid undermining the work of the treaty bodies, the universal periodic review should not examine any norm contained in a human rights treaty ratified by the State provided that the State was up-to-date with the submission of its periodic reports. That would

have the effect of encouraging ratification of treaties and the submission of periodic reports and would avoid duplication of effort. The work of the treaty bodies would effectively be reinforced, with greater emphasis on implementation and follow-up.

35. Although the scope of review would then vary between different States, that would not represent different or discriminatory treatment. No State would be exempted from review just because it had ratified a large number of treaties. The criteria established should be applied in the same way to all States and the full range of human rights commitments under the Universal Declaration of Human Rights would be examined. Clearly, it would take longer to consider a State that had ratified few human rights treaties than one which had ratified many but the latter would already have spent considerable time before the treaty bodies.

36. It was important to find a way of making Council members act responsibly when discharging their functions under the universal periodic review. A model for ensuring implementation of human rights rulings could be found in the practice of the European Court of Human Rights, whereby a political body, the Committee of Ministers of the Council of Europe, sought ways of giving effect to the Court's judgements and ensuring that measures were taken to prevent the same problem recurring. A similar effect could be achieved in the Human Rights Council by making each member of a given chamber aware that their behaviour in that chamber was being scrutinized by civil society in order to ensure that human rights standards were upheld. That could be done by inviting NGOs to make representations to the heads of the relevant missions personally, by name, when the chamber was constituted. The record of a given State in a chamber could then form part of the evidence of commitment to human rights submitted when it stood for re-election to the Human Rights Council.

37. Turning to the special procedures, she said there would be a continuing need for independent expert advice on specific States and issues, and such advice could be provided by individual experts chosen from a roster. While mandate-holders did not necessarily have to be elected, the roster should be subject to equitable geographical and gender distribution and it would be important to establish eligibility criteria and rules governing appointment.

38. A certain amount of rationalization would also be necessary. There was currently confusion between special rapporteurs, special representatives of the Secretary-General and working groups, for example; certain mandates overlapped and yet there were gaps in other areas; and it was not always clear why a five-person working group should be appointed rather than a single rapporteur. Improved cooperation was also needed between special procedures and treaty bodies and between special procedures and a standing independent collegial body.

39. Where thematic mandate-holders were required to reflect on an idea rather than report on implementation, great benefit could be derived from collegial discussion before their reports were considered by the Human Rights Council, and she would suggest that special rapporteurs conducting studies of that kind should be appointed from among the members of an independent collegial body or, at the very least, should report to that body.

40. Most importantly, the Human Rights Council needed to allocate adequate time to proper consideration and follow-up of the reports of the special procedures. One of the biggest failings of the system to date had been that the Commission on Human Rights had not paid attention to or acted on the expert advice it had received.

41. The third form of advice that would be needed was advice on issues requiring detailed examination and/or standard-setting. While that process could be undertaken by a single individual, the outcome was likely to be of higher quality if it was carried out by a group which was also engaged in the study of other issues and could approach the problem from a range of perspectives and experience. That would exclude a group of individuals taking part in an OHCHR workshop on a single report, since - precisely because those individuals had been brought together to discuss a single subject - such a group would not see the issue in the light of the full range of human rights considerations. Such advice should come from an independent standing collegial body.

42. To be of any use to the Human Rights Council, the members of such a body would need to be independent of States, of NGOs and of OHCHR; otherwise the members of the Human Rights Council might as well do the work themselves. Its agenda should include a general debate, to enable it to discern where there was a need for new studies or new standards to meet new problems. As well as being requested to undertake studies by the Human Rights Council, it should have a power of initiative whereby it could decide for itself, say, to request a working paper, on the basis of which Council endorsement would be required before a full-scale study could be undertaken. It should also be as open as possible to input from NGOs. It could best be described as a “think tank +”. Such a description naturally recalled the existing Sub-Commission, although she did not wish to imply that the Sub-Commission was not in need of reform. It was clear, for example, that a group of five members of the Sub-Commission could not handle the work under the 1503 procedure in an even-handed and objective way. There was also a need to overhaul the way the Sub-Commission dealt with reports, approved studies and drafted standards.

43. In addition, a great deal of potential synergy was being lost. There was a real danger that different institutions kept reinventing the wheel, and risked losing the benefits of combined effort in effecting change. While implementation should not be the sole focus of human rights work in a collegial standing body, it would form a major part of that work and required the closest cooperation at the national level. Ways needed to be found of cooperating more closely with national human rights institutions which conformed to the Paris Principles, as well as with treaty bodies, special procedures and regional human rights bodies. Indeed, the issue of cooperation with national human rights institutions needed to be addressed across the board. In addition to involving them in the work of each type of mechanism, it might be useful to consider involving them in the annual meeting of treaty bodies and special procedures, at which the Sub-Commission’s successor should also be represented.

44. As to membership, in her view the standing collegial body should remain about the same size, partly in order to take advantage of a range of experience from various regions and disciplines, and partly in order to cope with the workload. Those standing for election should be required to confirm their willingness to write reports and to engage in studies, and to indicate their ability to do so by providing examples of their work.

45. Of those appointed to the collegial body, between 12 and 15 would be elected as the expert body for the periodic review and would therefore need to be lawyers with proven competence in the field of international human rights law. The other 11 to 13 members of the

body could include lawyers but should also include people from other disciplinary backgrounds. Persons in government service should not necessarily be excluded provided that there was an objective system of accreditation for establishing their expertise and independence.

46. On the question of terms of office, she said it was important to ensure both continuity and new blood. Currently many members of the Sub-Commission served only one term, which was extremely disruptive and had a huge impact on the completion of studies. Yet it was appropriate to set some limit on the number of successive mandates, and she would suggest a maximum of three successive four-year mandates. It had also been found to be highly beneficial if members had previously served a period as alternates.

47. The standing collegial expert body should meet for three weeks each year, with provision for four working groups, two meeting in the week before the plenary session and two in the week after; those members who were also involved in the universal periodic review would meet more frequently during the year.

48. Mr. SALAMA said that it appeared that Member States had not given sufficient thought to the system of future expert advice to be provided to the Human Rights Council. That issue could not be considered in isolation from the reform of the human rights system as a whole. Given its expertise, independence and institutional memory, the Sub-Commission was well placed to provide a wide and coherent range of suggestions to Member States, based on an assessment of its own strengths and weaknesses. The strengths of the Sub-Commission included its standing, representative, collegial, and independent nature, as well as its global vision and capacity for initiative. Among its weaknesses was the fact that studies were not chosen according to an overall plan, that Member States did not rely adequately on the Sub-Commission's expertise, and that mandates under the special procedures were often maintained by Member States even after they had achieved their purpose. The overstretched resources of the secretariat and lack of resources to assist experts with studies was another difficulty.

49. The new expert body, which he proposed to call the "human rights consultative committee", should have three main functions: carrying out studies, providing consultation and ensuring the protection of human rights. The many useful ideas that had been advanced included: the development of a well-defined research programme, the setting of a maximum limit on the number of studies to be carried out and the establishment of an accreditation committee with criteria for eligibility based not only on members' expertise but also on the suitability of their technical backgrounds to the needs of the new body. The special relationship that existed between members of the Sub-Commission and non-governmental organizations (NGOs) should be preserved and enhanced. In order to improve the quality of studies and facilitate their subsequent consideration, more joint studies should be carried out between experts of various United Nations bodies, particularly experts representing different geographical regions. Increasing the involvement of NGOs in studies earlier on in the process was also worth pursuing. The development of a transparent and equitable system to provide financial compensation to experts for studies would ensure the sustainability of the future body's research function.

50. The second function of the future expert mechanism would be to provide consultation and to act as a focal point for the human rights system as a whole. That would involve linking the special procedures and the treaty bodies more closely to the work of the future expert body, by requiring that all mandate-holders present their reports to the Sub-Commission for comments and suggestions, which would be subsequently incorporated into their reports. It was a mistake to think that experts could remain detached from their own backgrounds and value systems. Since the only way to establish genuine universality was to obtain as great a variety of views as possible, a body of independent experts similar to the Sub-Commission, whose chief asset was the diversity of cultures and backgrounds of its members, was ideally suited to that purpose. Entrusting the future expert body with a consultative function would facilitate the work of Member States in the Human Rights Council since, rather than receiving individual reports from numerous treaty bodies, they would receive one consolidated report for each country under review.

51. The third function of the future expert body would be to ensure protection for human rights. That function would best be carried out by oversight of the universal periodic review, which would be established as a follow-up mechanism to monitor Member States' compliance with the recommendations of treaty bodies and special procedures. The expert body would review a file containing the findings and recommendations of the treaty bodies or the outcomes of country visits performed by mandate-holders of the special procedures. Neither Member States nor the Office of the United Nations High Commissioner for Human Rights could undertake the review with the same degree of impartiality as an independent expert body. Its role would be not to pass judgement on the findings of the treaty bodies or special procedures but to identify areas in which Member States should concentrate their efforts. The universal periodic review would serve to place political weight behind the activities of mandate-holders at the national level. The future expert body's role in providing indirect, collective and non-confrontational protection through the universal periodic review would offer a means of ensuring the coherence and credibility of the human rights system as a whole.

52. Mr. GUISSÉ said that it would have been desirable for more representatives of Member States to take part in the discussion on the role of the future expert body, since it was ultimately up to the Member States to make decisions in that regard. On the matter of research, it was important to address the issue of inequality in the level of secretariat funding and assistance provided for studies prepared by experts from the South as compared with experts from the North. As an expert from the South, he had never received any support whatsoever from the secretariat in carrying out studies. The work of the alternate experts was not sufficiently appreciated, which tended to discourage them in their efforts. He and other experts had made numerous attempts to give economic, social and cultural rights their due importance in the work of the Sub-Commission, but those efforts had not been given adequate support. Any reform of the human rights system had to begin by recognizing that all human rights had equal value and affected everyone, regardless of the country in which they lived.

53. He supported the suggestion that experts and their alternates should be elected, not appointed and that Member States should be given the task of proposing candidates for election. The limits placed on experts' terms of office, however, should be left not to the discretion of Member States but rather to the Human Rights Council. It was important that future members of

the expert body should be independent, both within the context of that body and outside it. Accordingly, members of the future expert body could not have interests or engage in activities that conflicted with the promotion and protection of human rights. In order to avoid mistakes, the future of the Sub-Commission should be analysed on the basis of its past.

54. Mr. DECAUX said that he wished to clarify that when he had referred to alternate experts, he did not mean current alternates.

55. Mr. SATTAR said that the secretariat should explain why some experts appointed as special rapporteurs received assistance from the secretariat, while others did not. It was unacceptable that a distinction should be made between experts from the North and those from the South.

56. The CHAIRPERSON said that he was not from the South and had been entrusted with studies but had never received any assistance from the secretariat. The problem was therefore more general in nature and was not targeted at certain experts.

57. Ms. WARZAZI said that the question of inequality in the resources provided to experts for carrying out studies deserved further consideration.

58. Ms. HAMPSON said that there was a need for greater transparency in the use made of secretariat funds earmarked for studies, since there appeared to be general dissatisfaction among the members of the Sub-Commission with the level of assistance they received. She did not believe that the secretariat discriminated between members from the North and those from the South in providing funding; rather, the end effect of receiving no assistance from the secretariat would differ depending on where members came from, in the sense that those from the North would perhaps find it easier to obtain outside resources or assistance.

59. Mr. GUISSÉ said that it was important for the Office of the United Nations High Commissioner for Human Rights to provide assistance to future experts if it wished to preserve their independence.

60. The CHAIRPERSON said that the secretariat had taken note of the members' comments and would transmit them to the competent authority.

61. Mr. YOKOTA said that his own observations concerning the future expert body had been organized under the four topics of basic assumptions, mandate, composition and method of work. He had identified four basic assumptions: (a) that the aim of the current reform process was to improve and strengthen the existing human rights mechanism and procedure in promoting and protecting human rights at any time, in any place, in all situations and for all persons; (b) that any proposed changes to the current mechanism should be justified, so that areas in which it was functioning well should not be changed; (c) that the human rights mechanism and procedure should strive towards maximum efficiency, effectiveness, transparency, accountability, integrity and democracy; and (d) that it was clearly advantageous for the Human Rights Council to seek adequate expert advice in carrying out its important work.

62. With regard to the topic of the future body's mandate, he recalled that the Sub-Commission had made valuable contributions through the studies it had carried out on important human rights issues. Although such studies could be performed by an individual expert or group of experts, they should be reviewed by the future expert body, and could be used by the Human Rights Council and disseminated to a wider audience if the Council so determined. It was not desirable artificially to limit the number of studies to be conducted by the expert body. Rather, the Council, in consultation with the expert body, should agree on the topics to be studied. Moreover, the future expert body should continue the function performed by the Sub-Commission of serving as a forum for the elaboration of drafts of international human rights instruments to be considered for adoption by the higher bodies of the United Nations. It should also assist the Office of the High Commissioner for Human Rights in providing advisory services. In that connection, the Council might consider organizing special seminars on human rights or on the specific activities in which the expert body was currently engaged. Such seminars could call on the talents of the expert members, target students and practitioners, particularly those from the developing world, and coincide in time with the meetings of the expert body. The expert body should also carry out a monitoring function, whether in the form of a special procedure or a new peer review; however, the confidential nature of the current 1503 procedure should be discontinued.

63. Regarding the composition of the expert body, he saw no need to change the current number, which was 26 members. On the other hand, the Human Rights Council might wish to reconsider the current distribution of experts by region, as some regions were relatively underrepresented. In that connection, he was not opposed to increasing the total number, which should not however exceed 30. The current system of alternate members had worked well and should be retained. It was advantageous that alternate members who had gained experience and knowledge within the Sub-Commission should become potential candidates for membership.

64. Regarding methods of work, he believed that the expert body should meet for at least three weeks a year. The existing working groups should be maintained, but a sunset clause should be introduced in order to review, perhaps every eight years, whether a particular working group should continue to exist or give way to a new one. Effective NGO participation should be encouraged in the meetings of the new expert body; however, it should be up to the Human Rights Council, not the Economic and Social Council, to establish the rules of accreditation for NGO participation in the expert body's meetings, which should be as open and transparent as possible. Better coordination with other United Nations human rights bodies, mechanisms, special rapporteurs and special representatives should be encouraged and systematized.

65. It was important for individual expert members who were carrying out studies to be able to count on the support and assistance of the secretariat. He proposed that the Office of the United Nations High Commissioner for Human Rights or the Human Rights Council should devise a system for recruiting interns during the sessions of the future expert body and assigning one intern to each expert. That idea would ensure that all members benefited from the same degree of support.

66. Ms. HAMPSON pointed out that, although it was useful for alternates to be involved in the work of the Sub-Commission because that would prepare them to be candidates for membership, the United Nations did not fund their work. The provision of student assistants to each expert member was a good idea, but did not obviate the need for financial assistance from the Office of the United Nations High Commissioner for the preparation of studies.

67. Ms. MOTOC remarked that the group of Eastern European States was relatively underrepresented within the Sub-Commission and that their participation was inadequately encouraged.

The meeting rose at 1 p.m.