

Review of the Human Rights Council

Contribution of the Special Procedures mandate holders

Introduction

As an integral part of the Human Rights Council and the international human rights system, Special Procedures mandate holders consider the review to be an excellent opportunity to provide specific, constructive proposals to enhance the work and functioning of the Council with a view to strengthening the international human rights protection system as a whole. The Coordination Committee of Special Procedures (CC) and all mandate holders look forward to actively engaging with stakeholders and participating in key events of the review.

Principles

The primary mandate of the Human Rights Council and its mechanisms, including the Special Procedures, is the protection and promotion of human rights of all persons and the prevention of human rights violations on the ground. Enhancing effectiveness, pro-activity and responsiveness should be major objectives and guiding principles of the review. Its outcome should strengthen the Council's ability to respond to human rights situations, wherever they occur.

The contribution of the Special Procedures as the Council's most independent, objective, responsive, proactive, and flexible mechanisms has been widely acknowledged. A key element of the effectiveness of the Council is the independence of mandate holders. Issues most relevant to the fulfillment of the mandates are provided by the respective resolutions, and mandate holders should be able to determine their priorities and activities within these parameters.

Proposals

Special Procedures mandate holders note that the Council and its stakeholders have, *inter alia*:

- Emphasized the need for cooperation of States with Council mechanisms, such as the Special Procedures and the universal periodic review (UPR);
- Commended the role played by independent mechanisms, particularly the Special Procedures, in the United Nations system and vis-à-vis victims of human rights violations;
- Recognized the importance of Special Procedures' expertise to the work of the Council, including through enhancing the visibility of their recommendations in the UPR;
- Acknowledged the contribution of the Special Procedures to the progressive development of international human rights law;
- Enhanced opportunities for, and mandated, joint action by Special Procedures on issues before the Council, and engaged mandate holders and the Coordination Committee in special sessions, panels and other events; this has

- given the Council the opportunity to take action on systemic and situational threats to the full respect for, and realization of, human rights;
- Enhanced efforts to strengthen outreach and transparency in the selection of mandate holders;
 - Recognized the role of the CC in bringing information to the attention of the President and the Council; and
 - Strengthened linkages between States and mandate holders through continued dialogue with the CC during the institution-building and review of mandates process.

Mandate holders however consider that the following proposals could support the Council in consolidating its achievements and addressing challenges related to its work and functioning, so that enhanced human rights protection and promotion, as well as the prevention of violations, can be ensured by the Council.

1. Better use of the expertise and outcome of the Special Procedures' work

- The Council should take systematic steps to use the recommendations and conclusions of Special Procedures in addressing gross and massive violations in the context of prevention and early warning of emerging situations, as well as in response to long-standing and chronic human rights situations. For example, the consideration of a specific situation could be initiated by a specified number of mandate holders or their CC.
- The visibility of, and engagement with, Special Procedures in the UPR could be enhanced. For example, mandate holders who have visited States under review could be invited to participate in the review sessions.
- The Consultative Group could make active use of the contributions of experts, including Special Procedures mandate holders, in its work to enhance the selection process and ensure that nominees meet the requirements of the mandate in terms of independence, expertise and experience.

2. Enhanced cooperation

- Candidates for Council membership could be encouraged to include in their pledges a commitment to cooperate with Special Procedures and there could be a regular review and follow-up with States on such pledges.
- Practical measures could enhance cooperation of States with, and assistance to, Special Procedures, as provided for inter alia in resolution 5/2. The President or the High Commissioner, in collaboration with the CC, could brief the Council on good practices in cooperation, including the status of standing invitations, responses to requests for visits, substantive and timely responses to communications, and other examples of cooperation.
- Special Procedures mandate holders could enhance cooperation with States, while safeguarding their independence, through its CC, whose role as a primary interlocutor between States and mandate holders in relation to the Code of Conduct should be acknowledged.

3. *Protection of persons cooperating with the Human Rights Council and its mechanisms*

- The Council should develop effective mechanisms to prevent, and take action on reprisals against those who cooperate with the United Nations, its representatives and mechanisms in the field of human rights, including Special Procedures.

4. *Enhanced dialogue with Special Procedures*

- Special Procedures reporting and interactive dialogues (IDs) is an important part of an ongoing cycle of constructive engagement with the Council, States and other stakeholders. More effective use should be made of the opportunity to dialogue with mandate holders in the Council and inter-sessionally; for example, there could be an extension of speaking times and the length of the IDs, de-clustering of IDs; additional opportunities to engage with the Council throughout the year, including through written or oral updates; delinking of annual and country mission reports, e.g. by considering establishing the practice that country mission reports are provided to specific sessions, taking into account the availability of mandate holders and financial and logistical implications.
- The CC could present the report of the annual meeting of Special Procedures mandate holders at a Council session.
- The CC could hold regular exchanges of views with the Council, including its Bureau, in accordance with article 6 (d) of resolution 5/2, annex, which entitles mandate holders to make suggestions likely to enhance the capacity of Special Procedures to fulfill their mandates.
- The Advisory Committee could be encouraged to increase interaction and mutually beneficial exchanges with Special Procedures.

5. *Strengthened follow-up and implementation of recommendations*

- Sustained constructive engagement by the Council with States and other stakeholders is crucial for the effective implementation of recommendations of the Special Procedures. Building on its existing mechanisms, in particular the UPR, the Council could create additional tools to ensure greater attention to follow-up at national level through the involvement of the whole range of international, regional and local stakeholders. For example, thematic discussions and stand-alone country or regional dialogues could engage other international human rights mechanisms, local representatives of United Nations entities, regional organizations, grass roots civil society, and national human rights institutions. This would complement IDs with Special Procedures, allow for greater engagement of stakeholders and provide the context for technical cooperation and other concrete support to States for the implementation of recommendations.
- Strong linkages could be established between the follow-up to the universal periodic review undertaken at the national level and the implementation of recommendations of Special Procedures so as to ensure a coherent, coordinated, efficient and effective follow-up.

6. *Working methods, coordination and resources*

- Mandate holders will be most effectively supported in carrying out their mandates in full independence through the use of existing procedures relating to their conduct and working methods. The Presidential statement of 18 June 2008 and the Coordination Committee's Advisory Procedure on practices and working methods allow States and other stakeholders to bring issues concerning conduct and working methods to the attention of the President or the CC, respectively. In cases under the Procedure, the CC will issue guidance to mandate holders and the President of the Council will be informed of the outcome.
- The Council review should highlight the importance of adequate resourcing and more realistic regular budgetary appropriations for mandates by the General Assembly. Full implementation of mandates requires substantially increased resources beyond the minimum in terms of staff and activities currently provided for under the regular budget of the United Nations. When it takes a decision to establish new mandates or additionally mandated tasks, the Council should acknowledge that these cannot be covered from existing resources. In all cases, additional staff is required to support mandate holders in sustained and constructive engagement with the Council and States, including on follow-up, undertake quality research for reports and studies, and carry out field visits. Additional travel is required for mandate holders and experts for consultations with States, partners and stakeholders, including appropriate conference services for those activities.
- Mandate holders are working jointly to ensure greater transparency in relation to extra-budgetary support provided for the work of their mandates, with a view to safeguarding the full independence and integrity of mandate holders. The Council will be informed about this work.
- The role of the Coordination Committee in working with mandate holders, States and other partners to strengthen coherence, coordination and effectiveness of the system and individual mandate holders - as evidenced notably through its orientation sessions and the revised and updated Manual - should be strengthened through additional resources and the creation of greater opportunities for interaction with stakeholders.