

Review of the Work and Functioning of the Human Rights Council

Open-Ended Intergovernmental Working Group

Item 4.2: Special Procedures

27 October 2010

Statement on behalf of the European Union

Mr. President

The EU grants particular importance to the role played by the Council Special Procedures within the HRC framework and the broader framework of the international system for the protection of human rights. Special procedures are the Council's eyes and ears, carrying out a vital monitoring role as well as valuable assistance work, but above all they are an essential instrument to allow the Council to fulfil several aspects of its mandate. These include ensuring the implementation of existing international norms and standards, addressing situations of human rights violations as well as related standard setting. The EU will, therefore, not cease to assert the crucial importance of the need to enable holders of special procedure mandates to fulfil them in a fully independent and impartial manner.

Turning to more specific matters, let me highlight some of the proposals made in our written contribution. As regards the selection and nomination process, the European Union aims at ensuring that the most suitably qualified candidates are selected as mandate holders. In this spirit we recommended, *inter alia*, that a provision should be added to IB package (or alternatively to Council resolution/decision) that all those participating in this process should be guided by the aims of achieving objectivity, professionalism and independence of experts. We take a cautious view on the possible conversion of some special mandate holders into working groups, since this may lead to a decreased level of human rights protection than currently exists.

We firmly believe that in line with UNGA resolution 60/251 states have an obligation to cooperate with the different mechanisms of the Council, including special procedures. Governments replied to 32% of the communications sent by special procedures in 2009, which is a powerful reminder of the scale of the problem. To improve the situation we made several recommendations, including a proposal that Council members lead by example in this respect by cooperating fully with all Council mechanisms throughout their time on the Council and that the level of a state's cooperation should be used as an indicator in relation to applications for HRC membership.

In order to preserve the effective and independent functioning of the Special Procedures system, the EU strongly opposes any proposal seeking to go beyond the existing mechanisms designed to address the professional conduct of mandate holders.

We also believe that we have to preserve the special procedures as being one of the most, if not the most accessible human rights mechanisms to human rights defenders and actual and potential victims of human rights violations. In this connection the Council has to address acts of intimidation or reprisals against those cooperating or seeking to cooperate with special procedures.

With respect to the mandate and follow-up to the work of the special procedures our objective is to ensure that the Council is in the position to fulfill its mandate under UNGA resolution 60/251. This requires much greater follow-up to the activities, recommendations and communications of special procedures. This also implies that the Council should devote enough time for the interactive dialogue with Special Procedures mandate holders and have adequate tools at its disposal to respond to situations of violations of human rights. In this context I wish to recall our recommendations about bringing in line the duration of country mandates with those of thematic mandates as well as introducing automatic independent initiation mechanisms for the consideration of country situations. While we agree that cooperation is always the preferred approach, where a situation of human rights violations is so serious that it warrants particular attention by the Council, and there is no willingness to cooperate by the country concerned, it is crucial that the Council is able to respond in an adequate fashion.

Last but not least, I wish to emphasize that the EU, like others, attaches great importance to the transparency of funding for special procedures.

In conclusion I take this opportunity to reiterate our readiness to engage in a meaningful discussion and exchange of views with all relevant stakeholders. In this regard we are open to any concrete proposal on the special procedures which enables the Council to carry out its above described mandates more effectively.

I thank you for your attention.
