

Human Rights Council

Intergovernmental Working Group
on the Review of the Work and Functioning of the Human Rights Council
1st Meeting

Sub-agenda item 4.2 (Special Procedures)

Intervention made by Egypt
on behalf of the Non-Aligned Movement

Mr. President,

I have the honour to present the following concrete ideas on behalf of the Non-Aligned Movement.

NAM'S position in relation to the role and functioning of this mechanism is clear-cut. As it came in the Movement's position paper, members of NAM deem it of great value that the HRC review addresses the issue of the role and functioning of the Council's system of special procedures. The Special procedures system is one of the key aspects of the overall functioning of the human rights council. I believe we are not to disagree that stakeholders, be they state or non-state, share the view that special procedures, as established and mandated by the Council, should play a crucial role in strengthening the impact of the functioning of the Council on the realization of all human rights on the ground. It is with this in mind that NAM underscores the importance of rationalizing and administering this important Council tool, with a view to ensuring its contribution to the council's fulfilment of its mandate.

As an overall reflection, it has to be noted that since the inception of the council, the Review, Rationalization and Improvement exercise did not lead to any rationalization of mandates, and there has been no serious attempt at avoiding unnecessary duplication and overlap among them. Instead, we are witnessing a growing number and proliferation of mandates.

Mr. President,

As much as NAM considers it important that states cooperate with special procedures, it is also important to highlight that gauging a state's fulfilment of its obligations under international human rights law is not to be measured principally along the lines of its cooperation with special procedures, but rather on the degree to which it has been able to actualize

human rights promotion and protection on the ground, something which is addressed, *inter alia*, within the UPR mechanism.

On the other hand, one thorny issue relates to balancing the independence of mandate-holders with their obligations, as determined by their Council mandate, the provisions of the UN Charter, and the Code of Conduct for Special Procedures. In light of the mal-functioning of existing self-regulatory methods of addressing this latter issue, NAM underscores the need to apply the code of conduct in accordance with HRC resolution 5/2 and to address allegations of non-compliance, while respecting Presidential Statement 8/PRST/2 of 18 June 2008 on the persistent non-compliance by a mandate-holder with the provisions of resolution 5/2. NAM further proposes the establishment, on the basis of equal geographical representation, of an HRC Legal Committee on Compliance with the Code of Conduct, the modalities of which to be determined intergovernmentally.

Another issue that merits close examination is the process of selection and appointment of mandate-holders. From what we have read in the contributions of various stakeholders, we can identify the similar attention given to this process and the declared need for greater transparency, coordination and synchronization. In this regard, NAM proposes that the Consultative-Group request short-listed candidates to provide written submissions on their views on the relevant mandate and vision for implementation, and to base selection on the criteria of competence, gender, and geographic balance. Furthermore, the President should follow the order of priority suggested by the Consultative Group and if he/she decides otherwise, he/she should explain the reasons for his/her decision. In addition, he/she is to hold extensive consultations with all regional groups to identify candidates that enjoy consensus. Overall, the timelines and method of consultation outlined in the IB package should be respected.

Mr. President,

The effective functioning of the system of special procedures requires the allocation of adequate resources, both financial and human. However, it is to be noted that some special procedures, in particular those related to economic, social and cultural rights, suffer from underfunding and lack of access to sufficient resources to fulfil their mandates. To address this crucial issue, NAM upholds that all special procedures have to be placed on an equal footing. In this regard, the OHCHR should provide information on the financial resources used by mandate holders in the form of an "expenditure report" annexed to their reports. There has to be an exclusive reliance on UN regular

budget funding and a ban on any fund-raising, or voluntary contribution, to individual mandate-holders. Any otherwise voluntary contributions should be made to the OHCHR in the form of non-earmarked resources, subject to public disclosure, and the Office is to allocate them evenly on all mandate-holders. The same principle of equal allocation is to be applied to human resources. Furthermore, only members of the OHCHR secretariat should accompany mandate-holders during their official country visits.

NAM would also like to draw the attention to the reports presented by mandate-holders on country missions. In this regard, NAM is of the view that an annex should be added to special procedures country visits reports, including information presented to them by the State concerned and its comments on the preliminary reports prepared by the Special Procedures.

Finally, I would also like to address the issue of country-specific mandates. NAM highlights the importance that all processes within the human rights council should be guided by objectivity, open dialogue and cooperation. Hence, country mandates should not be imposed on any country against its will, thereby jeopardizing the effectiveness of the mandate and compromising the opportunities for cooperation and concrete impact and improvement of the human rights situation on the ground. The consent of the state concerned should form the basis of any decision to be taken by the council in this domain. The review process should consider the introduction of applying a two-third majority for the establishment of country mandates. Furthermore...and this is to be addressed again within our discussions on the methods of work and rules of procedure of the Council...NAM, proposes the consideration of introducing a two-third majority for the adoption of country-specific resolutions.

Thank you.

