

Elements for an EU intervention on Special Procedures at the second session of the working group on the review of the Work and Functioning of the Human Rights Council (17 February 2011)

- express gratitude for the President for the valuable work he has done for preparing the documents and appreciation for efforts aimed at finding an acceptable language for everyone. Recall the importance the EU attaches to the Spp. The EU is prepared to support any proposal that makes the overall system stronger and more efficient.

- The provisions on the selection procedure represent a real improvement compared to the current situation. We have concerns about other elements in this cluster.

- We would like to see a more balanced text on the working methods part of Special procedures, most importantly cooperation with them. Para 31 acknowledges that cooperation is a two way street, but only refers to efforts to be made by one side. We request to reinsert para 15 of the compilation into the text.

Facilitating technical assistance is not the focus of the special procedures; we believe that para 32 would over burden the special procedures. Therefore, we suggest the deletion of the words "technical assistance" from para 32.

We appreciate para 34 about information on cooperation. This is a step in the right direction.

We also believe para 35 should be strengthened: replace "may be" by "should be", so the para would start: The Council should be used as a forum for discussing cooperation and it would go on.

- On para 29: We would ask to revert to the content of Para 13 of the compilation. (cluster on Special procedures). While we could understand the rationale behind some States' demand to add their comments to a country mission report, we believe that safeguards such as the indication that comments should be concise and in accordance with UN rules concerning documentation are important. We suggest to add "in a concise manner, in accordance with UN rule concerning documentation".

- We believe the outcome document should encourage Special Procedures to continue drawing the Council's attention to situations and issues deserving urgent, proactive and preventive action; this element is present in a number of mandates (FoA, FoE, SumEx, ...) and there are examples of special procedures that did draw the attention of the Council to situations (the SR on right to food for example called for a special session on the food crisis). "by encouraging them to draw the Council's attention to situations and issues deserving urgent and proactive action". We would therefore ask to reintroduce this element in para 25.

- We share the objective of improving transparency, but believe it should apply to all areas, and should not lead to the creation of additional bureaucratic tasks. We cannot accept the suggestion of para 41 to attach an expenditure report to each individual report, but believe that information on financial aspects could for example be provided in an annual report. Delete "which should be attached to reports of Special procedures".

- Still on funding, we believe that starting in para 40 that contributions from member states should to the extent possible be un-earmarked would take care of the concerns expressed in this regard. Suggesting that earmarked contributions should contain a share to be given to a central pool does not seem feasible. Delete "or include a share to be given to a central pool of funds by the Office to support the system of special procedures as a whole"

- On mandate related issues: we note that there is no more mention of the internal Advisory Procedure of the Coordinating Committee. We find it important to ask the Council to implement the tools that are at its disposal and make better use of existing arrangements, and would like to see para 36 redrafted accordingly. We suggest to delete "and further develop" in the second line.

- We appreciate the presence of para 37 on reprisals.

- In short, while the chapter on Special procedures contains some good elements, we believe there is need for further work. And we are committed to continue engaging with all partners on this important issue in order to achieve a good outcome.