

Canada  
L2.2rev1

Mr. President

"At its first session in June, the Human Rights Council adopted decision 1/104 establishing the working group on the review of mandates by consensus. We regret that the draft proposal contained in document L2/Rev1 attempts to re-open the mandate of the working group without consensus. This is not in keeping with the cooperative and consensus-based approach that we believe the Council should take to its work, in particular its vital institution-building tasks. There has been insufficient consultation on this draft.

Besides the break with procedural practice, we also disagree with the substance of the proposal.

We welcome the initiative the Special Procedures have shown to review and improve their Manual and by extension their working methods. The OHCHR has circulated the draft revised Manual to States for comment, thus providing states with ample opportunity for input. The Chairperson of the Coordination Committee of Special Procedures has already indicated their willingness to consider an extension of the initial timeframe suggested for state input on the draft. The Working Group, which already has too much on its plate, does not need to be burdened with this task of reviewing the draft as well.

We should also not engage in any action which would seem to infringe the independence of the Special Procedures. States exercise sufficient control and supervision over the Special Procedures through the resolutions which establish their mandates and provide them with direction.

Operative paragraph 3 of this resolution also proposes another problematic tasking for the Working Group, this time in asking it to draft a code of conduct. This is a redundant measure as there already is a code of conduct which applies to the Special Procedures. In 2002, the UN General Assembly adopted the Regulations Governing the Status, Basic Rights and Duties of Officials, other than Secretariat Officials, and Experts on Mission. These Regulations, contain a comprehensive code of conduct covering competence, integrity, impartiality, respect for the UN Charter, conflict of interest, confidentiality, compliance with local laws, discrimination and harassment.

Whatever the intentions of the authours may have been, this proposal comes across as an attempt to re-open by vote the consensus mandate of the Working Group in order to exert greater control over and to limit the vital role of the Special Procedures. Procedures which are among the most important tools of the Council in fulfilling the mandate set out in GA resolution 60/251 and whose independence must be stoutly defended.

For these reasons, Canada urges the sponsors to withdraw this proposal and rejoin the existing consensus concerning the Working Group. If not, Canada will vote against it and will urge other States to do so as well."