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STATEMENT

BY

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**ON BEHALF OF THE
ORGANIZATION OF THE ISLAMIC CONFERENCE**

AT THE

**THIRD SESSION OF THE HUMAN RIGHTS COUNCIL
ON PRELIMINARY CONCLUSIONS OF
WORKING GROUP ON THE REVIEW OF MANDATES
(SPECIAL PROCEDURES)**

**Geneva,
5 December 2006**

**Statement by Ambassador Masood Khan of Pakistan, on
behalf of the Organization of the Islamic Conference
(OIC), on *Preliminary Conclusions on the Review of
Mandates (Special Procedures) at the Third Session of the
Human Rights Council*
Geneva; 5 December 2006**

Mr. President,

We thank Ambassador Tomas Husak for his coordination of the working group on review of mandates. We appreciate the considerable work he has done to enhance our understanding of the issues involved in the review of mandates. We commend him for his resolve and resilience.

Mr. President,

The intricate analysis that tries to capture preliminary discussions on the review of mandates requires more time for assimilation and understanding. It has been difficult to follow all strands reflected in the document. Therefore, the two documents distributed do not contain any conclusions, even preliminary, but stray observations which are not most compatible. Going through the analytical part of the document, one can't see the forest for the trees. Some simple questions have become very complex. The rationale for the review of mandates is based on simple propositions: Are the special procedures too many? If the answer is yes, how can we trim them down? Are special procedures accountable? Do they have codes of conduct? Who writes them down?

In the analysis as well as the annexed topics for discussion, the most critical question has not been fully raised or adequately addressed: What is the relationship of the special procedures with the Council? How will the Council exercise its oversight over the mandates. The special procedures are created by the Council. The Council will confer independence on them. The special procedures will be accountable to the Council. These issues were raised very clearly by a large number of delegations, but they do not find resonance in the documents distributed.

From the analysis, it doesn't become clear whose opinions are being cited, because the text is without attribution. Some views are beyond comprehension. For instance, under the heading

“Cooperation by and with Governments”, there is a statement “Some proposals have been presented on safeguarding the scrutiny in countries that do not cooperate, for example with special procedures in tandem with the OHCHR”. Or another sentence in the same section: “The discussion proved that the cooperation preempts the effectiveness of the special procedures. The same pays for dealing with the urgent appeals, which requires timely response by the governments.” One formulation suggests that the special procedures and the Council are two separate entities. In fact, at one point, the Council has been censured for its alleged intent to interfere in the process of revising the draft Manual of Operations. At times one also gets the impression that the document is selectively hearing and recording views. Naturally, Mr. President, we need to work very hard on this document.

The OIC, after careful deliberation, had given clear and unambiguous advice on the review of mandates, which merits reiteration:

- The Council shall directly elect mandate holders in the manner members of the treaty bodies are elected.
- The special procedures should reflect (a) representation from all geographical regions, cultures, civilizations and legal systems (b) expertise, experience, independence and impartiality and (c) gender balance. The election of mandate holders is the responsibility of the Council. It cannot be assumed by any advisory panel or the Office of the High Commissioner.
- Duplicative mandates or those which have fulfilled their objective may be terminated.
- A mandate holder may serve a maximum of two terms, three years each, becoming eligible for the second mandate only after a lapse of three years.
- Similar mandates should be merged.
- The Manual of Operations of special procedures should be drafted by the Council. It should include code of conduct and criteria of admissibility of communications as well as guidelines for media interaction and country visits.

- Report should be standardized and should be sent to the states concerned to incorporate their comments before making it public.
- Resource allocation for special procedures should be transparent.
- Supporting staff should be competent. It should reflect geographical regions, cultures, civilizations and legal systems.
- The UPR is a separate process. It should not be burdened with the reports of the special procedures.
- The current review of special procedures should rectify the lopsided emphasis placed so far on civil and political rights and bring promotion and protection of economic, social and cultural rights, including the right to development to a higher plane.

Mr. President,

The Organization of the Islamic Conference has consistently demanded that all thematic special procedures should focus on the situation of human rights in Palestine and other Occupied Arab Territories. This demand stems from CHR Resolution 1993/2 stipulating that the duration of mandate of special Rapporteur on human rights in Palestine, occupied since 1967, has been established until the end of occupation.

Mr. President,

Ambassador Husak's laudable efforts show how much more work we have to do on this very vital dimension of the work of the HRC.
I thank you Mr. President.