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COMMISSION ON HUMAN RIGHTS

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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS
MACHINERY FOR HUMAN RIGHTS

Joint written statement* submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status, Amnesty International, the Association for the Prevention of Torture, Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT and the International Federation of Human Rights Leagues, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 December 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Standing Invitations to Thematic Human Rights Mechanisms

The above-named non-governmental organizations welcome the inclusion of calls to issue standing invitations to the thematic human rights mechanisms in three of the resolutions of the 58th session of the UN Commission on Human Rights. Resolution 2002/84 on human rights and thematic procedures recorded the trend of Governments to issue standing invitations to the thematic mechanisms of the Commission, rather than individual, *ad hoc* invitations, and encouraged other governments to consider doing the same. Resolution 2002/68 on racism called on States to issue standing invitations, and resolution 2002/20 on Sierra Leone specifically urged that government to issue a standing invitation to the Commission's special procedures.

We also welcome the decision of the governments of Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Iran, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and United Kingdom of Great Britain and Northern Ireland to extend standing invitations to all the thematic mechanisms of the UN Commission on Human Rights to visit their country. In this way, they have demonstrated their willingness to cooperate with these mechanisms and their commitment to the promotion and protection of human rights through the United Nations system. This brings the total of States having issued standing invitations to 40 as of 11 December 2002.

We urge other governments also to issue such standing invitations. In particular, it is regrettable that no African State has yet issued such an invitation, despite the call to do so in resolution 2002/68 of which the African Group was the main sponsor.

We appreciate the fact that the list of States having issued such invitations is included on the website of the Office of the UN High Commissioner for Human Rights so that this information is readily available to all interested parties.

Background:

Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known generically as the "Special Procedures". These consist of Special Rapporteurs, Special Representatives, Working Groups and Independent Experts who are charged with considering a specific human rights issue in relation to all countries in the world. As part of their work, the Special Procedures visit countries in order to examine at first hand the situation in relation to the issue in their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the individual thematic mechanism has to be invited by the State concerned. At present, the process is almost always initiated by the Special Procedures themselves approaching the State expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond. This also means that resources are used in soliciting invitations rather than on the implementation of the mandates.

Since all the Special Procedures are established by resolution of the Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of the established methods, States should do their best to facilitate such visits.

A simple and effective way of doing this is for States to issue a Standing Invitation to visit their country to all the thematic Special Procedures of the Commission. This would:

1. demonstrate their commitment to co-operation with these procedures;
2. enhance the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. de-politicize the process of country visits by shifting the focus away from the question of access to questions of substance; and
4. enable the procedures (individually and corporately) to plan and prioritize visits more effectively, knowing that the invitation to visit already exists and remains open.

By issuing a standing invitation, a State signals its confidence in the system of Special Procedures. As the repository of standing invitations increases in number, the Special Procedures system and the Commission on Human Rights, as a whole, which provides their mandates, is necessarily strengthened. With the Commission presently expending substantial efforts toward enhancing the effectiveness of the Commission, Member States could make a major contribution toward that end through a standing invitation.

Practicalities:

1. A State could announce its decision to extend a Standing Invitation to the Special Procedures at the Commission on Human Rights. The wording used by Norway was: *"Norway would also like to extend an open invitation to all Special Rapporteurs and other mechanisms under this Commission to visit us at any time"*, Hilde F Johnson, Minister for International Development and Human Rights of Norway, 26 March 1999. Alternatively
2. A State could deposit the standing invitation with the High Commissioner for Human Rights. A simple letter to this effect, lodged with the High Commissioner, would be sufficient. A request that the letter be circulated as a document of the Commission on Human Rights would ensure that the invitation was brought to the attention of other states and non-governmental organizations.
3. The Special Procedure wishing to take up such an invitation would contact the government to inform them of the intention to visit and to arrange the timing, and other aspects of the visit as at present.

Commentary:

In practice, for those States who accept visits from Special Procedures already, there would be no substantive difference. Indeed, there may be less pressure to seek visits precisely because they can be undertaken at any time, and because of the demonstrated openness to visits.

Since the Special Procedures would still be undertaking visits only at the invitation of the Governments, albeit a standing invitation, it does not infringe State sovereignty in any way. At the same time, as a growing number of States issue such invitations, it facilitates the work of the Special Procedures and demonstrates the good faith of States in accepting their obligation to co-operate effectively with the mechanisms which they themselves have created through the Commission on Human Rights.

Recommendations:

The above named non-governmental organizations:

1. Urge all States that have not yet done so to issue standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights, in line with Commission resolutions 2002/84 and 2002/68;
2. Call on all those that have already extended a standing invitation to encourage all those states that have not yet done so to consider doing so; and
3. Request the Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of States.
