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**ORGANISATION DES TRAVAUX DE LA SESSION**

**RATIONALISATION DES TRAVAUX DE LA COMMISSION**

**Compilation des vues reçues par le Bureau élargi en réponse à  
la décision 2003/16 de la Commission**

**Note du secrétariat**

Dans sa décision 2003/116, la Commission a autorisé son bureau, agissant en collaboration avec les coordonnateurs régionaux, et en pleine consultation avec tous les groupes régionaux, à réfléchir aux mesures qui pourraient être recommandées au bureau élargi de la soixantième session en vue d'améliorer davantage l'organisation des travaux de la Commission, en se fondant, notamment, sur la décision 2003/101 de la Commission, par laquelle celle-ci a fait siennes les recommandations figurant dans le document E/CN.4/2003/118 et Corr.1. Dans le cadre de ce processus, les États Membres, les groupes régionaux et les organisations non gouvernementales ont présenté leurs contributions concernant les moyens d'améliorer davantage l'organisation des travaux de la Commission. Des contributions ont été présentées par les membres du Groupe des États d'Asie (Groupe régional asiatique), du Groupe des États d'Afrique (Groupe régional africain), du Groupe des États d'Europe orientale (Groupe régional d'Europe orientale), du Groupe des États d'Amérique latine et de Caraïbes (GRULAC) et d'un groupe d'États interrégional (Groupe interrégional), ainsi que par un groupe d'organisations non gouvernementales et Amnesty International. Le présent document contient les contributions reçues et examinées par le bureau élargi\*. Les résultats de cet examen figureront dans le document E/CN.4/2002/110.

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\* Reproduites en annexe, en Anglais seulement.

**Annex****COMPILATION OF VIEWS RECEIVED AND CONSIDERED BY THE EXPANDED  
BUREAU IN RESPONSE TO COMMISSION DECISION 2003/116****CONTENTS**

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## **I. SUBMISSION OF THE AFRICAN GROUP**

### **Introduction**

1. The African Group, in its analysis of the Commission on Human Rights at its fifty-ninth session, welcomed a number of concrete measures introduced during the session for effective time management and to ensure proper rounding-off and completion of the agenda of the Commission. Among the most important and laudable initiatives undertaken during the Commission were (a) the introduction of a consolidated high-level segment and (b) the interactive dialogue with the Commission's special procedures. The African Group believes further improvements in these areas should be investigated. The African Group is concerned that in the last two years, the Commission did not treat the national human rights institutions with the sensitivity and respect they deserve. In the view of the African Group, national human rights institutions play a fundamental monitoring role at the national level and in the regional context. Therefore, it is suggested that a full day, i.e. two sessions, be set aside for the Commission's interaction with the national human rights institutions.
2. The African Group believes that all the measures aimed at enhancing the working methods of the Commission on Human Rights can only be effective and fruitful if the underlying spirit of the Commission, which is currently non-cooperative and divisive, is significantly improved. The interregional relationships require serious review largely to re-establish a common understanding of the main purpose of the Commission.
3. Little, niggling issues, such as the time needed to introduce non-controversial consensus resolutions and the accompanying explanations of vote, are issues with a potential for undue time consumption and require consensual solutions by all the regional groups. The current attempts by some dominant groups and States supported by certain non-governmental organizations (NGOs) to turn the Commission on Human Rights into a private club of purists cannot be supported by the African Group. This approach undermines the fundamental principle of international law regarding the sovereign equality of States and, more importantly, is devoid of the current realities of the international political and economic systems. All the factors considered, the African Group believes that it is impossible to develop criteria for membership of the Commission. No country will ever be able to meet the requirements of such criteria.
4. The approach being used with regard to item 9 should be completely reviewed. In this regard, the ideal would be to transfer issues under consideration under this item to item 19 which, by its very nature, encourages dialogue and joint partnerships for States to develop national capacity to "protect" human rights. The African Group believes that the original spirit of the Commission on Human Rights since its conception has always been to help all States to improve their human rights situations and to ensure the elimination of all violations. The Commission's purpose has never been to ostracize and vilify States. The African Group stands ready to engage constructively with other regional groups to develop approaches towards the realization of this fundamental purpose of the Commission.
5. The African Group has the following inputs to make regarding the improvements of the methods of work of the Commission.

### **Time management**

6. Issues around which time restrictions should be imposed include rights of reply, introduction of non-controversial consensus resolutions and preponderant references to the rules of procedure sometime culminating in stalemates.

### **High-level segment**

7. There should be a serious attempt by all regional groups and member States to ensure that the high-level segment is a success. All States should be encouraged to ensure that their dignitaries address the Commission during the time allotted for the high-level segment. If dignitaries are not encouraged to observe this method of work, then the Commission would find itself still faced with similar problems as in the past, i.e., intermittent interruptions by statements of dignitaries during the time that the Commission should be focusing seriously on its substantive work programme.

### **Interactive dialogue with special procedures**

8. Although this initiative proved successful during the fifty-ninth session of the Commission, the African Group believes that it is incumbent upon States to establish effective relationships with special procedures on the margins of the Commission and not only to engage the special procedures for the first time in the plenary of the Commission. Consultations between the special procedures and the countries concerned prior to the plenary debates have proven fruitful in many cases.

### **National human rights institutions**

9. The African Group believes that a full day should be set aside for interactive dialogue with national human rights institutions.

### **Chairpersons of treaty bodies**

10. The African Group proposes that half a day, i.e. one full meeting, be allocated for the Commission to interact with chairpersons of treaty bodies on an informal basis.

### **Sub-Commission on the Promotion and Protection of Human Rights**

11. The Sub-Commission should concentrate only on those issues referred to it by the Commission on Human Rights. The Sub-Commission should under no circumstances involve itself with country-specific situations, as this is not part of its mandate. The African Group does not support the view that the Sub-Commission should be suspended while the Commission reviews its role. The review of the Sub-Commission's mandate and methods of work can realistically be undertaken within the sessions of the Sub-Commission.

### **Format and length of resolutions**

12. It is proposed that a cross-regional initiative be created to review the format of resolutions. The African Group believes that many resolutions of the Commission are unduly lengthy and contain repetitive language. A more concise format for resolutions focusing largely on future action is a possibility to be investigated.

### **Method of introduction of resolutions**

13. The African Group proposes that a uniform method be agreed upon to introduce resolutions in a cost-effective manner, particularly non-controversial resolutions that are normally adopted by consensus. Explanations of vote should only be allowed in exceptional cases when necessary.

### **Country-specific resolutions**

14. The African Group believes that the country-specific resolutions under item 9 do not require annual examination, as it is impossible to provide concrete substantive reports and proper feedback from the Commission's special procedures appointed for such purposes. The African Group believes that some of the country situations under item 9 could easily be biennialized or triennialized, depending on the availability of constructive reporting on such situations.

### **Participation of NGOs at sessions of the Commission on Human Rights**

15. The African Group is conscious of the fact that most of the Commission's precious time is taken up by the non-governmental organizations that normally speak under almost every agenda item. Taking into consideration the total number of NGOs in consultative status with the Economic and Social Council that participate in the Commission, it is clear that most of the Commission's time is used by NGOs. The African Group proposes that a transparent process be initiated between the Commission and all NGOs and/or their representatives to review this situation and to find new formulas and mechanisms that can best address the effective participation of the NGOs in the proceedings of the Commission. It should be noted that the African Group welcomes NGOs and their contribution to the work of the Commission, but believes that the current system needs serious review.

### **Conclusion**

16. The African Group retains a pragmatic approach to all the issues raised above and will participate actively in meetings of the Expanded Bureau to synthesize inputs of all regional groups in order to produce uniform recommendations for the enhancement of the methods of work of the Commission on Human Rights.

## **II. SUBMISSION OF THE ASIAN GROUP**

### **General**

17. Discussions on the implementation of Commission decision 2003/116 is not meant to reopen the principal elements agreed to (see E/CN.4/2003/118 and Corr.1). Since this document was adopted on the basis of a solid consensus among all regional groups, attempts must therefore be made to implement in full the elements contained therein.

18. The current exercise must essentially seek to fine-tune the principle elements in document E/CN.4/2003/118 and Corr.1 on which there is room for further improvement, while discussing any additional measures not proposed in the said document.

### **Time management**

19. The meeting time of six weeks allotted for the Commission on Human Rights is sufficient provided it is well managed by the Expanded Bureau, in particular, the Chairman of the Commission. Additional meeting time would not be necessary if time is well managed, including by observing punctuality and adhering to the allotted speaking time.

20. Additional meetings should be resorted to under extraordinary circumstances only, and there should be no sessions beyond 6 p.m.

21. Any time cuts necessitated by circumstances should not affect members of the Commission from pursuing their principal responsibility vis-à-vis the outcome of the Commission's work.

22. Block time for all participants under each agenda item should be introduced and subdivided with priority given to member States, observer States and other participants, respectively. In any event, NGO statements should not exceed five minutes while joint statements may be given an additional two minutes. It should be noted that NGOs receive more time than States during the Sub-Commission on the Promotion and Protection of Human Rights.

### **Speaking time**

23. Each agenda item must be allocated a total fixed time.

24. The practice of closing of the speakers' list in advance for each agenda item should be continued to give the secretariat an indication of the number of speakers participating and to allot the individual speaking times within the prescribed time allowed for each agenda item.

25. Speaking time for member States should be maintained at five to seven minutes each. Observer States should be given more time to speak compared to non-governmental organizations. NGOs should be encouraged to make joint statements.

26. Time limits should be imposed on explanations of vote and explanations of position.

27. The Chairperson of the Commission shall ensure that the points of order raised by member States are properly administered in conformity with rule 42 of the rules of procedure of the functional commissions of the Economic and Social Council.

28. Programme budget implication statements by the secretariat should be distributed in written form instead of being read out.

### **Rights of reply**

29. Rights of reply (see E/CN.4/2002/16) should be clearly determined to avoid ambiguity as to interpretation.

30. The rights of reply should be limited to two per agenda item or cluster of items. Each of the two rights of reply shall consist of two parts, three minutes for the first and two minutes for the second. All rights of reply should be exercised at the end of the meeting or at the end of the day, or at the end of the general debate on any particular item.

### **High-level segment**

31. The high-level segment should be continued, and be held in the Salle des Assemblées. Dignitaries should be encouraged to participate at the high-level segment. Nevertheless, only one dignitary from each State or organization can participate in the high-level segment.

32. All efforts should be made to limit the high-level segment to four days. A time limit of 15 minutes per statement should be allowed with the possibility for the Chairperson to allow, at his discretion, up to 5 additional minutes.

33. Delegations should be given the right to exercise right of reply.

### **Interactive dialogue**

34. The current format for the interactive dialogue should be maintained.

### **National institutions**

35. National institutions should be given due recognition and a role in the Commission as they play a vital role in the promotion and protection of human rights at the national level. The date and time allocated for national institutions must be fully respected, and they should not bear the brunt of any slippage in the timetable.

36. A designated place in the meeting hall should be reserved for members of national institutions throughout the session of the Commission.

37. National institutions should be given at least seven minutes of speaking time each.

38. In addition to individual statements, national institutions should be allowed to make one joint statement containing general recommendations for the consideration of the Commission.

### **Issues relating to format, length and consideration of resolutions**

39. All efforts should be made to reduce the length of resolutions and, inter alia, avoid reproducing the entire text of the previous years. Instead, a general paragraph recalling the previous years' resolutions should be given serious consideration. Only new elements should be contained in the new text to be considered by the Commission.

40. To enable small delegations to effectively participate in the negotiations, the delegation presenting the resolutions should not convene simultaneous negotiations. Availability of the draft text well ahead of time would be useful for the participation of all delegations in these negotiations.

41. The introduction and general comments on resolutions should be restricted to two minutes each.

### **Participation of NGOs**

42. NGOs should adhere strictly to the terms of participation of NGOs as contained in document E/CN.4/2003/118 (para 4.1 (e)): "the applicable rules and regulations regarding the accreditation of NGOs and their participation in the Commission should be respected".

43. NGOs should be encouraged to make joint statements as opposed to individual statements in order to save time. NGOs should not repeat the same statement under different agenda items.

### **Other issues relating to the rules and practices of the Commission**

44. A compilation of rules and rulings shall be prepared and distributed to all States.

45. The Office of the High Commissioner should ensure prompt updating of its web site, especially posting of documents in the Limited series (L) as well as adopted resolutions and the outcome of the voting. This is currently taking place at a very slow pace.

46. The importance of submitting documents in accordance with the guidelines of the Economic and Social Council by all mandate-holders and their availability on time in all six official United Nations languages must be given utmost priority.

47. Clustering of agenda items should be encouraged. Thematic resolutions should be biennialized or triennialized.

48. In light of the changes that have taken place in the organizational aspects of the Commission on Human Rights, the secretariat should issue a single document, on the lines of document E/CN.4/2002/16, containing the main rules and procedures followed by the Commission, e.g. on the high-level segment, the interactive dialogue, rights of reply, explanation of vote, etc.

### **III. SUBMISSION OF THE EASTERN EUROPEAN GROUP**

49. The restricted interpretation of the rule regarding the exercise of the right of reply (i.e. a delegation may exercise the right of reply once per item (three minutes plus two minutes) either at the end of the meeting, or at the end of the day, or at the end of the item) should be applied from the very beginning of the session of the Commission.

50. The time available for the introduction of a resolution and for the explanation of vote should be limited, both before and after the vote.

51. Biennialization/triennialization of thematic resolutions should be further encouraged.

### **IV. SUBMISSION OF THE GROUP OF LATIN AMERICAN AND CARIBBEAN STATES (GRULAC)\***

#### **Compilation of proposals**

52. The proposals and ideas contained in this document were agreed by consensus and are the fruit of a joint reflection by the countries of the Group of Latin American and Caribbean States (GRULAC) based on the great importance and priority they assign to the Commission on Human Rights as the principal United Nations body responsible for the promotion and protection of human rights and fundamental freedoms.

53. Within this context, GRULAC considers that the proposals contained in this document will make it possible to improve various aspects of the organization and working methods of the Commission, with a view to overcoming the various operational difficulties it has been experiencing.

#### **General considerations**

54. The present six-week session should be retained.

55. Exchanges of information between the Commission and the specialized agencies and other United Nations bodies (World Health Organization, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, Food and Agriculture Organization of the United Nations, United Nations High Commissioner for Refugees, etc.) should be promoted to keep them all informed of the resolutions, decisions and agendas adopted in their particular fields on related topics and to increase the efficiency and effectiveness of the Commission.

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\* Translation from the Spanish. Original version available for consultation with the secretariat.

### **Organization of work during the annual session**

56. The Commission on Human Rights at its sixtieth session will organize its work and debates on the basis of the main rules and practices laid down in documents E/CN.4/2002/16 and E/CN.4/2003/118.

### **Better use of time**

57. All meetings should start strictly on time and this provision should be included in document E/CN.4/2002/16. In order to facilitate this, the Chairperson and the Bureau shall do everything necessary to apply the rule that, in the absence of the Chairperson, one of the Vice-Chairpersons will conduct the proceedings.

58. The list of speakers should be opened on the first day of the session and closed at the beginning of each item.

59. Should the need arise, the time allowed for statements should be reduced in the same proportion for all speakers and used as a principle for assigning all speaking times.

60. Joint statements by both regional groups and NGOs should be encouraged.

61. The secretariat shall continue to make an electronic voting system available at all sessions, including extraordinary sessions, for any request for a roll-call or recorded vote, unless otherwise specified, it being noted that this procedure is not a substitute for the voting methods provided for in articles 59 and 66 of the rules of procedure of the functional commissions of the Economic and Social Council. To improve transparency, the electronic voting system should include a reasonable, specific standard time for confirming votes before voting closes.

### **Documentation**

62. It is necessary to apply the criteria contained in General Assembly resolutions 52/214, 53/208 and 54/248 and in paragraphs 64 and 30 of Commission decision 2000/109 in relation to the availability of documentation in all official languages six weeks before the start of the Commission session, and to respect the limit on the length of reports.

63. Likewise, with reference to special procedures that include country sections in their reports, the practice should be to make these texts available to the States concerned at least six weeks before publication and, if possible, in the relevant official language, so as to provide these States with a reasonable opportunity to comment. The comments of the States concerned should be circulated as annexes or addenda to the reports as appropriate. If that is not possible, they should be issued in a separate document distributed at the same time as the report.

64. The voluntary biennial/triennial adoption of thematic resolutions should be encouraged.

65. The following measures are also proposed:

- Each report should include an executive summary prepared by the author of each document;
- The practice of publishing unedited documents on the Internet should be continued;
- The secretariat's capacity to deal with the variable demand for editors and translators during the months preceding the Commission by anticipating solutions to problems such as the late approval of some mandates should be improved. One option would be for the Office of the High Commissioner to set up its own editing and translation service;
- The secretariat should make available to countries and special procedures the deadlines for the submission, editing, translation and publication of all Commission documentation;
- The Extended Bureau should meet with the relevant departments of OHCHR and the Conference Services Division to find out about the lags and leads in the processing of documents generated by OHCHR, by the special procedures, by States and by NGOs, with a view to identifying corrective measures and exceptions which, after consultation with the various regional groups, could be put into practice;
- Exceptionally, written contributions from States that have not been submitted six weeks in advance should be published in at least the three working languages and at least one week before the relevant topic is discussed.

## **Resolutions**

66. States should be encouraged to rationalize the length of resolutions.

67. The voluntary biennial/triennial adoption of thematic resolutions and the corresponding reports should be encouraged, wherever possible, with a view to reducing the number of informal negotiations in proportion. This would enable delegates to participate to a greater extent in other informal negotiations or in the debate.

68. Informal consultations on draft resolutions should be opened to all delegations as soon as possible and announced publicly with due notice.

69. Points concerning the interactive dialogue with special procedures:

- Each special-procedures mandate-holder should have 10 minutes and, in the case of thematic rapporteurs, an additional two minutes for each country mission report;
- Immediately after each special-procedures presentation, there should be a brief opportunity for questions and comments from States (a maximum of one or two minutes per State). The special-procedures mandate-holders should reply to or comment on the statements made during the discussion of their reports;

- States should be encouraged to submit their questions in writing to the rapporteur beforehand, at the beginning of the interactive dialogue, with a view to saving time and rationalizing exchanges between participants without prejudice to the possibility of putting further questions in the course of the dialogue;
- “Concerned” States - States that are the subject of resolutions or missions - should, as hitherto, have 5 additional minutes under the relevant item and could, if they so wish, make a statement immediately after the mechanism’s mandate-holder has presented his or her report. They may divide statements on the item into two separate parts or make just one statement (in accordance with E/CN.4/2002/16);
- OHCHR should publish a schedule showing when each of the rapporteurs will be attending the Commission;
- Rapporteurs must be present during the debates on the agenda items that concern them;
- OHCHR should publish and maintain a roster of candidates for appointment to the Commission’s special procedures. The Bureau, in consultation with the regional groups, should establish guidelines for the preparation of the roster.

#### **Suggestions for improving the high-level segment**

70. The high-level segment should take place over the first four days of the annual session of the Commission.
71. The list of speakers should be opened well in advance and a deadline set for participants to sign up.
72. The high-level segment should retain the present rules and practices governing participation by dignitaries, such as those on speaking time and the use of the podium, free choice of subject, right of reply and the scheduling of listed speakers based on the dignitaries’ interests and availability (in accordance with E/CN.4/2002/16, paragraph 20).
73. The secretariat should not schedule parallel activities to coincide with this segment.

#### **Functions of the Expanded Bureau**

74. The functions of the Bureau are established by the rules of procedure of the functional commissions of the Economic and Social Council and the relevant provisions of Commission decision 2000/109.
75. The Bureau can submit proposals to the Commission on organizational and administrative matters. Between Commission sessions, in consultation with the regional groups, it can adopt only procedural decisions and advise the Chairperson on appointments.

76. The secretariat should continue its practice of circulating to the regional coordinators, and the latter to the members of their groups, before Bureau meetings, the agendas and the proposals to be considered. This should be the rule, except in very exceptional circumstances of force majeure.

77. The Bureau will be responsible for organizing the calendar of intersessional meetings of the working groups, in accordance with the following guidelines:

- Meetings of the working groups should be spread over the entire intersessional period, in order to avoid a flurry of activity just before Commission sessions;
- Meetings of the working groups can be scheduled while the Third Committee of the General Assembly is in session (October-November);
- No meetings of the working groups should be scheduled during the four weeks preceding the annual session of the Commission;
- There should be at least one week between meetings of one working group and the next;
- All the regional groups should be consulted in advance, through the regional coordinators, about the scheduling of working groups; the Bureau should finalize the calendar in June each year;
- The documentation for each working group should be made available to delegations, as the resolutions provide, sufficiently in advance and not less than one week before they begin, in at least the three working languages;
- Meetings of the Commission and Sub-Commission working groups should not be scheduled in parallel with each other or with briefings, seminars and workshops organized by the secretariat.

### **National institutions**

78. National institutions should be given due recognition and a role in the Commission that reflects their importance for the protection and promotion of human rights at the national level. The dates and speaking times allocated to national institutions should be respected and the institutions should have their own seats in the Commission meeting room.

### **Non-governmental organizations**

79. GRULAC greatly appreciates input from NGOs into the work of the Commission. However, should it be necessary to cut speaking time during Commission sessions, any reduction should apply in equal proportion to all speakers (States and NGOs).

80. The Commission must comply with Economic and Social Council resolution 1996/31 on NGO participation in the work of the Commission.

81. GRULAC encourages joint statements by NGOs.

### **Other matters**

82. The secretariat should send regional groups, through the Bureau and well in advance, the schedule of briefings and other parallel activities it may be planning for the Commission's annual session.
83. The regional groups should be informed and consulted in advance about any invitation to persons other than dignitaries and such invitations should be approved by the plenary of the Commission.
84. Delegations should have access to a list of persons not accredited to the Commission who may be invited to participate in parallel activities.

## **V. JOINT SUBMISSION OF A CROSS-REGIONAL GROUP OF STATES\***

### **Introduction**

85. Commission decision 2003/101 endorsed a package of improvements to the Commission's working methods, contained in document E/CN.4/2003/118 and Corr.1. Many were implemented during the Commission's fifty-ninth session. Commission decision 2003/116 subsequently authorized the Bureau, working together with the regional coordinators, and in full consultation with all regional groups, to consider steps that could be recommended to the Expanded Bureau of the sixtieth session in order to improve further the organization of work of the Commission, based, *inter alia*, on decision 2003/101.
86. The main aim of this exercise in enhancing the effectiveness of the Commission's working methods is to strengthen its protection and promotion role. We firmly believe that experience has shown that reform elements contained in document E/CN.4/2003/118 positively contributed to the management of the fifty-ninth session of the Commission (2003). Any additional reform steps should therefore be built upon E/CN.4/2003/118, thereby reaffirming this decision.
87. In this context, the Cross-Regional Group refers to and reaffirms its previous contribution leading to the agreement reflected in document E/CN.4/2003/118 and Corr.1, and contained in paragraphs 65 to 104 of the secretariat's "compilation of views" document (E/CN.4/2003/11).
88. As in the past, decisions on changes to the working methods of the Commission should be adopted by consensus.

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\* Prepared by the following member States: Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

## **Time management at the sixtieth session**

### *General*

89. As stated in document E/CN.4/2003/118, there should be improved compliance with the agreed timetable. Speaking times should be respected and the Chair has a key role to play in ensuring that the agreed rules regarding time management and the rules of procedure are respected. There should be only one intervention per delegation per agenda item. The Chair has a special responsibility to ensure that all meetings begin strictly on time. The rules concerning deadlines for the submission of the draft resolutions and closing of the speakers' list should be strictly enforced.

### *Speaking time*

90. Interventions during procedural debates should be strictly controlled and should comply with the rules of procedure. In particular, the Chair should ensure that the rules of procedure concerning points of order and rights of reply are clearly articulated to participants at the outset of the session and then strictly adhered to by them. Delegations should be prepared to cite the rule of procedure under which they make a point of order.

91. Members and observers should consider limiting the number of their interventions during the session of the Commission.

92. Time limits should be introduced for explanations of vote, explanations of position, introductions of draft resolutions/decisions, rights of reply and general comments.

93. As PBIs should be circulated in writing, PBI statements by the secretariat need not be delivered orally.

94. We would be willing to discuss further proposals to divide up the time available per agenda item amongst various actors, including member States, observer States, intergovernmental bodies, NGOs, special rapporteurs and other mechanisms of the Commission and national human rights institutions. As provided for in document E/CN.4/2003/118, any new restrictions on the use of the time available in the Commission should be applied across the board. However, there should be a minimum amount of time available for all actors, e.g. three minutes.

### *List of speakers*

95. The management of the speakers' list is very important in time management: the speakers' list should be opened on the first day of the session of the Commission. The list should be closed in advance of consideration of an agenda item, unless recommended otherwise by the Bureau. In this context, participants should ensure that they register as soon as possible on the speakers' list. Time should be allocated for each agenda item with due regard for the list of speakers.

### **Rights of reply**

96. There should be limits on the rights of reply available to delegations, for example, one reply at the end of the agenda item only. The second right of reply should be abolished. Time limits for rights of reply could be shortened. However, a minimum time of at least three minutes should apply.

### **Fine-tuning the high-level segment**

97. The institution of the high-level segment during the fifty-ninth session was positive. In principle, the high-level segment should continue to be held in the first week of the annual session and aim to respect the same criteria which were set forth in document E/CN.4/2003/118 (para. 6 (b)(viii)), provided that the date and length of the high-level segment are known well in advance before the beginning of session. The Bureau should take a decision on the time frame and format of the high-level segment at its first meeting, after being constituted in January. In addition, the high-level segment should not preclude the distribution of Commission documents or the circulation of draft resolutions if they are ready.

98. Time limits for statements by dignitaries should be reduced - to the extent possible - in line with limits at the General Assembly.

### **Fine-tuning the interactive dialogue**

99. The interactive dialogue has been a positive step forward and we welcome the fact that special procedures receive space and time commensurate with their pivotal role in the United Nations human rights system. As a minimum, the time allocation given to them during the fifty-ninth session should be maintained and - if possible - extended.

100. In order to further fine-tune the conduct of the interactive dialogue, it should be ensured that, as provided for by document E/CN.4/2003/118, special procedures are the first speakers under every relevant agenda item, followed by a debate with States in a question-and-answer format.

101. Early posting of special procedures reports on the OHCHR web site is essential for an effective dialogue and should be a priority.

102. Those delegations that are able to do so could consider handing questions to the special rapporteur concerned, via the secretariat, in advance of the interactive dialogue. This might enable the special rapporteurs to be more prepared to respond to the questions and avoid a proliferation of questions asked individually during the limited time available. However, spontaneous questions from the floor should still be allowed in order to have a real dialogue.

103. Dates planned by the Bureau for the interactive dialogue should not be changed during the session, so as to ensure that special rapporteurs can plan their participation accordingly. All mandate-holders should be encouraged to participate actively and present their reports, as part of their reporting obligations, within the context of the interactive dialogue.

### **Issues relating to format, length and consideration of resolutions**

104. The Bureau could consider - in consultation with the main sponsor - making proposals for the shortening of resolutions. Complex resolutions, such as the one on the rights of the child, could serve as a test case for the Bureau. Sponsors of resolutions that deal with similar or related issues could consider merging them. Moreover, incorporation of the substance of previous resolutions by using the mechanism of "recalling" the number of the previous ones should be encouraged.

105. The biennialization or triennialization of more resolutions should be considered, with due regard for the need to preserve the continuity of mandates and observing the correct budgetary procedures. If more resolutions are biennialized or triennialized, there should be an understanding that no alternative text should be introduced during an off-year to undermine efforts to reduce the number of resolutions considered by the Commission each year. In this context, the Expanded Bureau might consider ways to assist the implementation of the recommendation contained in paragraph 2 (b) of document E/CN.4/2003/118.

106. States should try, as much as possible, to introduce resolutions in the Commission sufficiently early, so as to allow a transparent discussion of the initiatives that will be acted upon.

107. The Bureau should encourage States to indicate as early as possible their intention to initiate new resolutions or renew previous ones.

108. The number of responses to requests by OHCHR, made in accordance with Commission or General Assembly resolutions, for submission of information from Governments is low. Resolutions should therefore request these inquiries to be conducted only in a very limited number of cases and to be very specific. Yearly reproduction of these requests should be avoided.

109. The use of operative paragraphs requesting dissemination of resolutions in their entirety by OHCHR to Commission members and observers should be discontinued - resolutions are already available online and in the report of the Commission.

### **National institutions**

110. Separate and sufficient time allocations for national human rights institutions under agenda item 18 should be maintained.

111. We are ready to consider possible solutions aimed at increasing the visibility of national institutions in the context of the Commission.

112. We are ready to consider ways to improve the current procedure for accreditation of national institutions.

113. More interactions between national institutions in parallel with the Commission should be encouraged.

114. Main sponsors of Commission resolutions should be encouraged to consider making better use of the valuable knowledge of national institutions in order to integrate their input into the respective resolutions.

### **Other issues relating to rules and practices of the Commission**

#### *Management of the intersessional period*

**115. Streamlining the requests by OHCHR for submission of information pursuant to Commission resolutions:** OHCHR should submit as soon as possible requests for information (possibly immediately after the end of the session) so that States have sufficient time to reply. Deadlines for submission of information to the Commission should be standardized (e.g. 15 January for the Commission). Requests for information should be transmitted to permanent missions by only one note verbale with an annex containing a summary of all requests. Questionnaires should be more focused, designed to elicit particular information, and only when necessary - e.g. when the information is not already available from other sources.

**116. Calendar of the intersessional period:** the Bureau should be encouraged to continue with the 2003 practice of agreeing on the calendar of the intersessional activities of the Commission (working groups, informal meetings, open-ended expert meetings) by the end of June. The Commission should make better use of the time between May and August of each year in order to avoid a concentration of events in the first two or three months before the next session. Commission working groups should not be scheduled shortly before the next session (e.g. four weeks before the Commission) and during the Human Rights segment of Third Committee sessions. Chairs of the Commission working groups should be encouraged to make full use of the time allocated to them (e.g. starting on time).

**117. Dialogue with special rapporteurs:** due to time constraints during the session of the Commission, dialogue meetings of regional groups with special rapporteurs are not always feasible. In order to establish a more regular dialogue, the secretariat should inform regional groups in good time about the visit of special rapporteurs to Geneva.

**118. Informal one-day session:** the informal one-day Commission session in September should definitely serve as an occasion for delegations to announce their initiatives for the upcoming General Assembly and also, where possible, the next session of the Commission.

#### *Conduct of the session*

119. Participants at each session of the Commission should support and cooperate with the Chair in the exercise of his/her responsibilities, for the orderly conduct of Commission business and in conditions of mutual respect.

120. A daily journal of the Commission should be made available, similar to that provided for meetings of the General Assembly and the Economic and Social Council. The journal should include the current order of the day, the list of special rapporteurs presenting their reports, group meetings, NGO events and other meetings in the margins of the Commission.

*Legal adviser*

121. The presence of a *senior* legal adviser from the Secretariat throughout the session to give advice on procedural issues is highly recommended. This, however, should not prevent the other members of the secretariat from intervening on substantial and procedural issues, as provided for in the rules of procedure (e.g. rule 27).

**Programme budget implication statements (PBIs)**

122. The secretariat should ensure, as mandated by rule of procedure 28, that PBI statements set out clearly and precisely the full estimated costs of the proposal in question. The secretariat should circulate PBI statements in writing to Commission participants shortly after the tabling of the respective resolutions to ensure their proper consideration. The secretariat should ensure full transparency in the event of any changes to PBIs before their consideration by the Economic and Social Council. Any necessary changes should be circulated simultaneously with the Commission report.

**Special procedures**

123. All States should extend full cooperation to all special procedures, including visiting missions, as a means of facilitating their work and enhancing the effectiveness of the Commission. If a country does not facilitate a visit of a special procedure for more than two years after a request for a visit, the country concerned should explain in writing to the Commission the reasons for this lack of cooperation.

124. A web search facility, recommended in document E/CN.4/2003/118 in relation to reports of special rapporteurs, should allow for searches to be carried out according to mandates and countries.

125. Full compliance with the report of the working group on the enhancement of the effectiveness of the mechanisms of the Commission on Human Rights with regard to the special procedures should be ensured. Particular attention should be given to paragraphs 6 and 7 of decision 2000/109, in which criteria for the selection of mandate holders are clearly stipulated, which should be respected.

126. Greater attention should be given to the effective implementation of the recommendations of the special procedures. Various ways and means should be explored to this end, including the possibility of creating, from within the existing resources, a committee to monitor the implementation of these recommendations. The committee could be chaired by the High Commissioner for Human Rights and should also include the Chair of the special rapporteurs' annual meeting as well as the Chair of the Board of the Voluntary Fund for Technical Cooperation.

**NGOs and parallel activities**

127. NGOs must have an active participation in the Commission and this should be taken into account when considering proposals to change the methods of work. Any attempt to curb the

expression of NGOs in an unjustified or unbalanced manner will be resisted. New restrictions on the time available in the Commission will have to be shared in an equal manner by all its actors. Coordinated participation of NGOs in the Commission should be made more attractive. Joint statements should be further encouraged.

128. NGOs should continue to bring the “voices of victims” to the Commission, to allow Commission participants to hear first-hand testimony from those suffering from human rights violations.

129. NGO parallel activities, for which they should get adequate space and support, should be recognized as an integral part of the Commission and further encouraged.

### **Membership of the Commission on Human Rights**

130. Membership in the Commission brings with it responsibilities and is an important opportunity for countries to further demonstrate their commitment to international human rights instruments and to cooperate with the instruments and procedures of the Commission and the treaty bodies.

### **Documentation and technology**

131. Improved access to previous years’ documents and new draft documents on the OHCHR web site should continue. The secretariat should look into the feasibility of producing a CD-ROM which should then be available to all States Members of the United Nations.

### **Composition and role of the Bureau**

132. Members of the Expanded Bureau of the Commission have a special responsibility to uphold the standards underpinning the United Nations human rights programme, to enforce impartially the rules of procedure and to enhance the credibility and relevance of the Commission. Therefore, regional groupings and members, when nominating members to the Expanded Bureau, should give serious consideration to the eligibility of the nominees.

133. The Bureau should continue its work on resolving procedural issues for the Commission, including with the regional coordinators in an “Expanded Bureau” format. Given the importance of continuity, the “handover” meetings between the incoming and outgoing Expanded Bureaux in January should be substantive, not merely formal. The outgoing Expanded Bureau should consider preparing a “reflections” document to be forwarded to the incoming Expanded Bureau as has been done in the past.

134. The Expanded Bureau should maintain contacts with the special rapporteurs throughout the course of the year to assist on procedural and support issues, perhaps through a designated representative. The Expanded Bureau should continue to play a central role in the selection of mandate-holders as was agreed in the “review of mechanisms”. Summaries of the Expanded Bureau meetings should be posted on the OHCHR web site.

## **VI. JOINT SUBMISSION OF A GROUP OF NON-GOVERNMENTAL ORGANIZATIONS\***

### **Statement of purpose**

135. The Commission on Human Rights is the principal human rights body under the Charter of the United Nations. It comprises member and observer Governments, intergovernmental and non-governmental organizations, national human rights institutions and the mechanisms created by the Commission itself. Its role is to enhance the capacity of the United Nations to promote and protect internationally recognized human rights and contribute to preventing violations of these rights.

136. Efforts and resources expended by the OHCHR secretariat, Member States and human rights organizations in the course of the current reform process should be assessed against the overall promotion and protection objectives of the Commission. Proposals that aim to discredit the Commission, lessen the influence of its stakeholders or generally impede its ability to protect and promote human rights should be rejected at the outset.

### **Time management at the sixtieth session of the Commission**

137. The Commission went through a process of rationalization starting in 1998, which included a thorough revision of the agenda, with full consideration of possible clustering and biennialization of agenda items and sub-items. The result, a carefully balanced agreement, was finally endorsed by consensual decision 2000/109. Therefore, it seems unwise and counterproductive to reopen the discussion at this time on issues such as the clustering of agenda items.

138. The Chair of the fifty-ninth session should request that additional meetings be granted during the Commission to ensure proper and adequate consideration of all agenda items and resolutions.

139. Discussions on the 1503 procedure should be taken out of the Commission timetable and moved to late January or February, after the appointment of the new Bureau.

### **Rights of reply**

140. Clear time limits for rights of reply should be maintained and respected. Rights of reply should be allowed only once for each delegation and only at the end of each agenda item.

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\* Bahá'í International Community, Franciscans International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues (FIDH), World Organization against Torture (OMCT).

**Fine-tuning to the high-level segment**

141. The introduction of a high-level segment on a trial basis during the fifty-ninth session was a welcome development. It served the purpose of preserving continuity of discussion under agenda items. However, we regret that the high-level segment took up four and a half days of the Commission's first week, and thus did not improve time management. We would like to recommend either:

- That additional meetings be specifically allotted to the high-level segment prior to the regular work of the Commission; or
- That three specific days be set aside for the high-level segment during the first week of the Commission with each dignitary being granted 10 minutes of speaking time, following the standard practice of the Economic and Social Council.

In addition, it is our understanding (based on Expanded Bureau consensus) that the participation of dignitaries outside the high-level segment was exceptional to the fifty-ninth session, and thus certain measures will be implemented at the sixtieth session for the participation of dignitaries outside the high-level segment, following standard Council practice. These will include addressing the Commission from the delegation seat and not from the podium. Other reforms should also be considered for dignitaries who wish to participate outside the high-level segment, such as halving allotted speaking time and a requirement that these contributions pertain to the agenda item under discussion.

**Interactive dialogues and concerns regarding special procedures**

142. The interactive dialogues with special rapporteurs, introduced at the fifty-ninth session, represent an improvement over previous means used to consider their reports. Further steps need to be taken, however, to make these dialogues truly effective. Additional measures should enable Governments and mandate-holders to build on these opportunities, resulting in an enriched and more tightly focused review of the state of human rights in the world:

(a) “The essential foundation on which the effectiveness of the Commission and its mechanisms rests is the responsibility of all Governments to cooperate fully with those mechanisms” (see E/CN.4/1999/104, paragraph 14, observation 3). We therefore recommend that OHCHR undertake an analysis of member States' cooperation with special procedures.<sup>a</sup> First of all, OHCHR should compile for distribution (or place on its web site) a list of the countries that mechanisms have stated they wish to visit. This list should be submitted annually to the informal one-day session of the Commission in September. It could be compiled in consultation with special procedures mandate-holders during their annual meeting. Each entry should include the date of the first request made by the mechanism, the response of the Government, and any discussions on modalities for the proposed visit (*ibid.*, paragraph 42, recommendation 7 and paragraph 47, recommendation 8 (d)). Visits that do take place should also be noted;

(b) Mandate-holders should be reminded of their responsibility to ensure that they are present and participate actively in interactive dialogues pertaining to their respective mandates;

(c) Every possible effort should be made to ensure that mandate-holders are able to be present at the beginning of the relevant agenda item. In particular, advance scheduling and clear communication by the secretariat would represent a marked improvement, allowing States and special rapporteurs to be better prepared. We would encourage those responsible to post the notices for these segments in advance on the OHCHR web site's Commission page, as well as in the relevant orders of the day;

(d) A format should be adopted for interactive dialogues, following the practice used by the Third Committee of the General Assembly, allocating about 60 minutes to each mandate. This would include the 10-minute presentation time already attributed to each special rapporteur, time allowed for replies by concerned States and the debate. Should a debate end before its scheduled hour is up, the next special rapporteur on the agenda could begin his/her presentation. In this manner and for practical purposes, three special rapporteurs could be scheduled for each meeting and be available for question-and-answer sessions. If time remains in any meeting, debate could revert to general discussion under the agenda item concerned;

(e) Clear and transparent guidelines should be adopted regarding qualifications for mandate-holders. In particular, it should be stated that candidates for special procedures mandates should not hold government positions. Candidates for the mandates of special rapporteur, special representative or independent expert should have a proven record of actively promoting and defending human rights. To ensure that persons with appropriate qualifications and qualities are appointed to these positions, guidelines<sup>b</sup> should be developed by OHCHR to assist the Chair of the Commission in selecting appointees;

(f) Governments, NGOs and others should be reminded of the importance of nominating candidates both for particular mandates and for the roster, and be kept informed about vacancies and deadlines. OHCHR should regularly update the roster, which should also be made public (for example on the OHCHR web site), to allow for its efficient use and for improved transparency in the nomination process. When there is a vacancy, OHCHR should notify all those on the roster and invite them to submit their names to the Chair if they are interested. The improvement and regularization of procedures for mandate-holders would also serve to minimize instances of personal attacks against them, such as occurred during the interactive dialogues at the fifty-ninth session of the Commission;

(g) A principal function of the Commission is close consideration of the conclusions and recommendations submitted by its special procedures. OHCHR should prepare a country-by-country compilation of information and recommendations from the special procedures and submit this compilation annually to the Commission. We take note of OHCHR's efforts to compile these recommendations and observations by agenda item. However, only a country-by-country analysis can provide the basis for a structured consideration of, inter alia: the status of human rights in the world; the follow-up given to special procedures' reports, including information from Governments on their implementation or non-implementation of recommendations; and the question of non-cooperation with special procedures (*ibid.*, paragraph 49, recommendation 10 (a));

(h) To ensure adequate and timely distribution of documents in all requested languages, the secretariat should analyse and propose improvements in its working conditions. Those responsible should study recurrent shortcomings resulting in late delivery of reports and documents and should make specific proposals - including with financial implications - to resolve this problem. In particular, unreasonably early deadlines for submitting reports should not be imposed on special mechanisms, as this seriously hinders them in ensuring that their work is up-to-date and relevant. Thus, more editors should be sought to facilitate the process. In this regard, we would like to note the benefits of unedited reports by special rapporteurs being posted on the web site in advance of the Commission meetings and we encourage OHCHR to continue to make these documents available.

### **Issues relating to consideration of resolutions**

143. The rules of procedure regarding the voting process should be duly observed, in particular as concerns speaking time. Current rules must be respected, limiting explanations of vote before the vote to three minutes. Explanations of vote after the vote should be made at the end of the item. Clear time limits for the introduction of resolutions also need to be respected.

144. OHCHR or the High Commissioner should regularly and fully report to the Commission on countries that present serious human rights concerns, have not responded to communications and recommendations from the United Nations human rights system, have failed to comply with previous recommendations made by the Commission and/or its mechanisms, or have failed to cooperate with the Commission's special procedures.<sup>c</sup> When a country already under consideration persistently fails to cooperate with special procedures, a special rapporteur should be appointed for the country concerned.

145. To facilitate the introduction of new country resolutions under item 19, clear benchmarks should be issued. In cases where the willingness of the country's Government to promote and protect human rights remains unproven or doubtful, strong benchmarks should include the issuance of standing invitations to the Commission's special procedures, ratification of the core human rights treaties and fulfilment of treaty reporting obligations, as well as the implementation of recommendations by special rapporteurs concerning that country.

146. For appropriate consideration of ongoing technical assistance programmes, OHCHR should be requested to report on and produce an assessment of impact for all of their ongoing and future technical assistance programmes, which would include clear and measurable benchmarks. Such an analysis could usefully be reviewed at the one-day informal meeting in September.

147. In principle, we favour triennialization of thematic resolutions, in a staggered manner, unless co-sponsors consider that new or particular circumstances require the tabling of a resolution. However, annual reporting to the Commission and to the General Assembly - by the special rapporteurs and by OHCHR - should continue if stipulated in resolutions.

## National institutions

148. The participation of national human rights institutions<sup>d</sup> as observers at the Commission should be conditioned on their compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris principles, adopted by the Commission in resolution 1992/54) to ensure their independent and effective functioning and be seen as legitimate. It is unclear how independent of their Governments these national institutions really are, and it would be useful to have an effective mechanism not only to encourage the institutions to be independent, but also to vouch for the independence of the ones that address the Commission. To that effect, the Commission should further urge the national institutions that are established in accordance with the Paris principles to develop and establish a mechanism to provide an independent and transparent review of how each institution implements the principles.<sup>e</sup> This purpose could be served by strengthening the roles of the International Coordinating Committee of National Institutions (ICCNI) and its accreditation subcommittee. Such vetting procedures are already used to grant NGOs consultative status with the Economic and Social Council.<sup>f</sup> Moreover, it would be a welcome development if experts could be included in the Council's Committee on NGOs, which is already the case in the ICCNI.

149. The number of participants from national institutions has grown by 600 per cent over the last five years, from a mere 13 participants at the fifty-fifth session of the Commission to 110 participants at the fifty-ninth session. It is necessary to ensure that these representatives participate in a manner that is of high quality, benefits the Commission, and does not merely echo the pronouncements of their Governments. Any proposals that aim to increase their participation at the expense of participation by NGOs (civil society) should be rejected.

## Other concerns

150. **Non-governmental organizations** have an essential role to play in the Commission, most importantly by participating in the debates.<sup>g</sup> A serious and genuine identification of isolated problems with specific NGOs, as well as ways these could be addressed, would be a positive step towards preventing all NGOs from being negatively affected in their work and suffering the consequences of decisions taken by States. One specific and recurring problem is the increasing number of NGOs that are not independent, but rather are Government sponsored - referred to as "GONGOs". The problem has in part arisen because the Committee on NGOs has awarded consultative status to a growing number of such entities.

151. **Membership of the Commission and positions of responsibility:** to strengthen the credibility of the Commission, regional groups should only put forward (as candidates for membership) States that cooperate fully with all United Nations human rights monitoring mechanisms, are among those that have ratified most or all of the major treaties and have reported regularly as required under the treaties. So as to consider States for election or re-election to the Commission under these principles, all Council members should receive a note from the secretariat with each country's record of cooperation with mechanisms, ratification and reporting to the United Nations treaty bodies. When considering candidacies for positions of responsibility - such as for the Bureau, the Expanded Bureau, and other relevant posts related to the Commission - regional groups should take into account the candidate's record according to the same three principles.

152. **Human rights crises:** it is essential that the Commission be able and willing to respond to severe, emergency or deteriorating situations. The procedure for calling special sessions of the Commission was established for precisely this purpose. This procedure should be available at all times, even during the regular session, but in such a way that special situations can be addressed without undermining the regular work of the Commission. In addition, all thematic special procedures should be encouraged to draw the attention of the High Commissioner to situations of particularly serious concern or where they believe that early action might prevent deterioration. This provision is already included in some of the mandates.

## VII. SUBMISSION OF AMNESTY INTERNATIONAL

153. Amnesty International has followed with interest the review of the working methods of the Commission on Human Rights, pursuant to Commission resolution 2002/91 and decision 2002/115,<sup>\*</sup> and were pleased to note that the Bureau of the fifty-ninth session endorsed and implemented a number of the recommendations elaborated by the Expanded Bureau of the fifty-eighth session aimed at strengthening the promotion and protection roles of the Commission (E/CN.4/2003/118). In particular, Amnesty International welcomes the introduction of the high-level segment at the start of the session and the interactive dialogues between the special procedures, member States and other parties. We urge you to further consolidate and strengthen these initiatives, as authorized by Commission decision 2003/116, and take this opportunity to make the following further observations and recommendations.

### **Interactive dialogue with the special procedures at the Commission**

154. The additional allocation of time and space to the special procedures of the Commission to present their reports and engage in dialogue with member States on issues raised in their reports is a most welcome development. In order to further build on this initiative we would like to make the following recommendations:

- The scheduling of the presentation of the reports of the special procedures at the start of the relevant agenda items should be confirmed and announced well in advance, including in the relevant order of the day, so that member States and other interested parties can ensure to be present for the presentation and participate in the discussion;
- The interactive dialogue may be further enhanced in a number of ways, including by highlighting the thematic issues highlighted in the reports of the special procedures as well as considering the extent of implementation of their recommendations;
- The discussion of the reports of the special procedures would also be greatly assisted if OHCHR were to produce a compilation by country of the recommendations of the special procedures as well as secure the timely production of executive summaries of the reports of the special procedures, their translation

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<sup>\*</sup> Amnesty International made submissions under both procedures, in August and October 2002 respectively.

into the United Nations languages and their availability sufficiently in advance of the annual session.

### **Cooperation by member States with the special procedures**

155. As noted in the 1998 review of the Commission (E/CN.4/1999/104), the creation of the special procedures is one of the Commission's major achievements and constitutes an essential cornerstone of United Nations work to promote and protect human rights. Yet, 143 Member States of the United Nations still have to extend a standing invitation to the special procedures to visit their country.<sup>h</sup> As part of its leadership of the Commission, the Bureau should take all opportunities to remind Member States that the special procedures are the Commission's own mechanisms and as such all Member States are expected to cooperate with the special procedures, including by:

- Extending a standing invitation to the special procedures to visit their country;
- Promptly facilitating visits to their country when requested by the special procedures;
- Promptly and fully responding to communications sent by the special procedures regarding human rights concerns in their country as well as implementing fully their recommendations to address such concerns.

### **Funding of the special procedures**

156. Despite the priority accorded to strengthening human rights, including in the report by the Secretary-General on strengthening of the United Nations: an agenda for further change (A/57/387), OHCHR receives a mere 1.54 per cent of the United Nations regular budget (\$23.6 million in 2003). This means that OHCHR must raise more than double that amount (\$66.1 million) from voluntary contributions from Member States as detailed in the Annual Appeal 2003. This precarious state of funding of OHCHR means that the Special Procedures Branch finds itself in a chronic state of under-funding with an average of \$54,000 per mandate per year.

157. The promotion and protection of human rights is core United Nations work and wholly central to the work of the Commission; therefore, the funding of this work must be better secured. The Bureau should use all opportunities to encourage Member States to increase the overall amount provided through the regular budget to OHCHR.

### **Appointment of special procedure mandate-holders**

158. An important function is vested in the Chairperson of the Bureau, in consultation with the Extended Bureau, regarding the appointment of individuals to new or vacant mandate positions.

159. In order to facilitate an open and transparent process for identifying suitable candidates, the Bureau must ensure that Member States are alerted to mandate vacancies well in advance of the annual session of the Commission. At the national level, this process should include broad and transparent consultation with civil society to identify and attract potential candidates. Given the

low representation of women<sup>1</sup> among the special procedures, Member States should be encouraged to nominate more women candidates for these positions.

160. The Chairperson of the Bureau could be greatly assisted in the function of appointing mandate-holders if OHCHR were to develop criteria for determining the suitability of potential candidates, as well as standardized “profiles” for each mandate outlining the requirements of the post in terms of the skills and expertise necessary to fulfil the mandate. This would enable OHCHR to compile a list of suitable candidates for final decision by the Chairperson of the Bureau.

### **Review of country situations by the Commission**

161. Amnesty International is aware that the Commission’s agenda was recently reviewed; nevertheless we would like to submit the following for future consideration by the Bureau: consideration by the Commission of the human rights situation in countries is one of the key functions of the Commission, which currently takes place under four separate agenda items (3, 8, 9 and 19). The Bureau may want to consider ways of reorganizing these items as well as establishing criteria for prompting review of country situations by the Commission, e.g. on the basis of recommendations by the special procedures, concluding observations by the treaty bodies, as well as non-cooperation by Member States with the special procedures, treaty bodies, and other United Nations human rights mechanisms.

### **Notes**

<sup>a</sup> The question of access to countries by the thematic mechanisms and the cooperation of Governments before, during and after their visits is crucial. In recognition of this, 48 Governments have already issued open or standing invitations. Many of these Governments have made use of high-level visits to the Commission to announce such a policy. All other Governments should be urged to do likewise, and this should be considered - at least informally - as a condition for membership of the Commission, since a country’s refusal to cooperate with such mechanisms clearly demonstrates a lack of acceptance of this body’s policies and objectives.

<sup>b</sup> These guidelines should include the following: (a) mandate-holders should not hold any post or function subject to the hierarchical structure of the executive authority of a State; (b) they should be of recognized competence in the field of the mandate; (c) they have to be independent and impartial, and of high moral character; (d) in addition to seeking nominations for particular posts, the Chair should always consult the roster to ensure that good candidates are not overlooked and encourage the nomination of candidates for the roster.

<sup>c</sup> Governments must also recognize the application of the Convention on the Privileges and Immunities of the United Nations (13 February 1946) to special rapporteurs, representatives and experts, and must not be allowed to prosecute or carry out any other form of harassment against these mandate-holders as a result of their work.

<sup>d</sup> National human rights institutions are established as quasi-governmental agencies, occupying a unique place between the judicial and executive functions of the State to promote and protect human rights through effective investigation of broad human rights concerns and individual complaints and making recommendations - hence the Commission's recognition of the importance of ensuring their independence from governmental control.

<sup>e</sup> Commission resolution 2003/76 recognizes this objective as it calls upon States, national institutions and other interested parties to consider ways of strengthening the application of the Paris principles.

<sup>f</sup> To obtain such status, NGOs must undergo a stringent reporting and authorization process carried out by the Council's Committee on NGOs in New York, which is comprised of representatives from 19 Member States.

<sup>g</sup> The breadth of NGO expertise and the capacity of NGOs to support the work of the Commission were acknowledged in resolution 1996/31. This resolution also confirmed the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels. It should be noted that statistics on speaking time during the sessions show that the level of participation of NGOs has remained constant, while the participation of dignitaries and national institutions has increased exponentially.

<sup>h</sup> To date, 48 Member States have issued a standing invitation to the special procedures: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Iran (Islamic Republic of), Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland.

<sup>i</sup> Among the current mandate-holders, fewer than 25 per cent are women.

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