

Strengthening UN Special Procedures

Background

A/RES/60/251 provides that the Council shall maintain a system of special procedures, and called on the newly established HRC to “review, and where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights...” Since then, the HRC adopted a process to appoint new mandate holders (HRC 5/1), set in place a review of mandates inherited by the Commission (HRC 5/1), and adopted a Code of Conduct to define “the standards of ethical behavior and professional conduct that special procedures mandate-holders of the Human Rights Council shall observe whilst discharging their mandates” (HRC 5/2).

Issues to Address

Special Procedures have proven to be a valuable and effective tool to assist the Council in fulfilling its mandate as the primary body for human rights in the U.N. system. The work of the Special Procedures is often hampered by a lack of cooperation from member States, especially in preventing country visits, and by inadequate follow-up of Special Procedure recommendations. States should systematically strengthen the independence and functioning of the Special Procedures and capitalize on their work during ongoing Council sessions.

Concrete Proposals

- The President should hold monthly mini-sessions to allow for more in-depth discussions of important issues. Some of the mini-sessions should be dedicated to expanded discussions on Special Procedure’s reports and appropriate follow-up. The format of these mini-sessions can utilize numerous tools in the IB package, based on the particular subject matter or country.
- Expand support for Special Procedures with respect to the dissemination of their findings, their ability to travel to concerned countries to distribute and discuss their reports, and their ability to participate in public and expert debates on issues covered in their work.
- A public record of how States cooperate with the independent experts, including a database on all communications, should be produced on an ongoing basis.
 - For example, information may be included in the High Commissioner’s annual report to the Council on State responses to all correspondence and recommendations of Special Procedures, responses to visit requests, number of visits to each country, and promptness of visit (i.e. date of request, date of State response and date of visit).
- Establish benchmarks for gauging basic cooperation of States with Special Procedures on country visits, including those below.
 - States should respond within four months of a country visit request with a suggested time frame for the visit;
 - A State should accommodate a visit request within two years, except where there is a long queue of requests and the State has consistently hosted three visits a year;
 - States should cooperate in assisting the modalities of the country visit.
- Require any State that is a candidate country for the Human Rights Council to provide an update/response to Special Procedure inquiries, recommendations, and requests for country visits in connection with its candidacy. States should consider a State’s record of

cooperation with the Special Procedures when electing members to the Human Rights Council.

- Establish a check for “Standing Invitations” to Special Procedures: if governments are non-responsive to visit requests or are not cooperating in good faith to allow access to Special Procedures (using the benchmarks of four months and two years cited above), that State will no longer be able to claim a “Standing Invitation.”
- Require States to respond to issues raised by Special Procedures as an annex to their UPR report.
- Call a special session or other appropriate examination of a situation of human rights concern if five different Special Procedures cite the same country as a country of serious concern in their regular reports.
- Given the quantity and quality of the Special Procedures’ work in translating universal norms into improved state practice, States and the U.N. system should increase resources for them, including for staff and country visits, and direct funding to support implementation of the experts’ recommendations.