



Review of mandates and mechanisms

In their comment under item 5 on Friday 17 November, most States spoke about cooperation with governments rather than cooperation by governments. The International Service for Human Rights focuses its comments on cooperation by governments with the special procedures.

The system of special procedures has been provided for specifically by the General Assembly itself. This fact alone places a high level of responsibility on all States to cooperate fully with them. That responsibility is even greater – an obligation – for members of the Human Rights Council (the Council) who are required under General Assembly Resolution 60/251 to uphold the highest standards in the promotion and protection of human rights and must cooperate fully with the Council and its special procedures. So far as the special procedures are concerned, this can only mean that election to the Council carries with it a presumption of a standing invitation to all special procedures. The Council itself bears the responsibility of ensuring that its members meet their obligation of full cooperation: it should require, at each session, a report on its members' performance of their obligation to cooperate with special procedures. Council members through their assumption of a standing invitation upon election will set the standard for all States.

Much of the discussion last week focused on procedure rather than substance. Diplomatic courtesies are important but they can be satisfied without undermining the effectiveness of the special procedures and the urgency of their work.

- If diplomatic courtesy requires a special procedure to sign a letter personally, then today this can be easily done by electronic signature without delaying the dispatch of the letter.
- If diplomatic courtesy requires that a letter from a special procedure be sent to the diplomatic mission in Geneva, then it equally requires that the mission inform the special procedure within 24 hours that the letter has been forwarded to the capital and which section of the government it was forwarded to. In fact, one practical reason for correspondence to be forwarded through the diplomatic mission is precisely because the mission is better placed than the special procedure to ensure that the letter reaches the most relevant section of the government as quickly as possible and the mission should so advise the special procedure promptly.

These are simply two examples of how diplomatic courtesies can be observed without compromising the work of special procedures. The Council needs to develop clear guidelines – an operations manual – for States on how they are expected to cooperate with special procedures and then it should monitor the compliance of States with these guidelines.

Thank you.