

Coordination Committee of Special Procedures

14 September 2007

Internal Advisory Procedure to Review Practices and Working Methods (Interim)

The Vienna Declaration and Programme of Action underlined the importance of **preserving and strengthening the system of special procedures** and specified that the procedures and mechanisms should be enabled to harmonize and rationalize their work. (Part II, para. 95). The independence of Special Procedures mandate-holders is the cornerstone of their integrity and nothing should be allowed to undermine that independence. At the same time, however, mandate holders agree to discharge their functions and regulate their conduct in a manner totally in keeping with the objective of promoting and protecting human rights.

In the case of the Special Procedures the assumption of self-regulation is both appropriate and essential as long as it does not prejudice the observations and the neutrality of the mandate holders. The principle of self-regulation is crucial to the coherence and viability of a system premised upon independence.

Mandate-holders should draw upon standards set out in the Manual of Special Procedures on Human Rights, as updated to be in consonance with the Code of Conduct, (“the Manual”) as guidance in aligning their individual practices, conduct and methods of work with their ultimate responsibilities to safeguard the potential victims of human rights violations. This is the professional responsibility of each mandate-holder.

To facilitate this process, to enhance the effectiveness and preserve the integrity of the system of Special Procedures, an Internal Advisory Procedure has been established to provide a standing mechanism for continuous consideration of the practices and working methods of the Special Procedures. This Procedure seeks to seize the earliest opportunity to take action when issues are raised regarding how mandate-holders have met agreed upon standards in the performance their duties. The emphasis of the process is on issuing guidance notes on the appropriate interpretation of the Manual to reflect an evaluation of actual practices and conduct. The Procedure will also serve to record innovative methods and document best practices.

This Internal Advisory Procedure does not apply to the substantive assessments made by mandate holders with regard to country situations or thematic issues. Matters of substance are within the sole purview of each mandate-holder, in accordance with their mandate, impartially and the highest degree of integrity.

When and What: When a matter is brought to the attention of the Coordination Committee that either 1) calls for an examination of the effectiveness or appropriateness of the methods of work as detailed in the Manual; 2) calls for a consideration of whether specific acts or practices align with best practices as presented in the Manual or 3) could be considered a practice prejudicial to the integrity, independence, and impartiality of the system of Special Procedures or to the protection of human rights.

Who: UN Member States, OHCHR, other mandate holders and other relevant stakeholders.

Coordination Committee of Special Procedures

14 September 2007

How: By written communication directly to the Chair of the Special Procedures Coordination Committee. The communication must be signed, dated and contain the information necessary to contact the author of the communication. If the subject of the communication relates to a specific event or activity, the communication must be timely. Substantial delay may make fair consideration of the matter impossible or moot.

Review Procedure: When a communication is received, the Chair will first review it for the purpose of determining (1) whether appropriate corrective action has been or can be taken without the necessity for a broader inquiry, (2) whether intervening events have made action on the communication unnecessary, (3) whether the basis of the communication is directly related to substantive determinations made by a mandate-holder within the scope of their mandate, (4) whether the situation described in the communication is on its face either clearly irreproachable or plainly without veracity and /or any other reason that review of the matter should be deemed inappropriate *a priori*. If any of these apply, then the Chair will communicate the same to the author of the communication orally or in writing.

If none of the above descriptions apply, and if the communication relates to the conduct of an individual mandate-holder, the Chair will forward the communication to the mandate-holder and request a response. That response and the original communication will then be distributed to the entire Coordination Committee. If the communication is of a more general nature, it will be immediately distributed to the other members of the Coordination Committee for their consideration and comment.

When the matter under consideration is the conduct of an individual mandate-holder, the communication and the subsequent procedure must be treated as a matter of utmost confidentiality. However, the Chair may communicate orally or in writing with the author of the communication, the subject mandate-holder, and other stakeholders who may have knowledge of the matter, and may review any relevant documents. Neither the Chair nor the CC will undertake to make findings of fact about any matter that is reasonably in dispute.

Outcomes: In addressing matters brought before it as communications, the CC will be guided solely by its interest in preserving and strengthening the system of Special Procedures based on integrity, independence and impartiality. The powers of the CC are limited by its mandate to enhance and facilitate the work of mandate-holders.

In addressing communications, then, the CC may undertake one or more of the following actions: Prepare a Guidance Note that will be distributed to all mandate-holders and the author of the communication, which sets forth the relevant issues and facts, an explanation of the thinking of the CC on the matter and, where necessary, a recommendation that the Manual be amended to give guidance to all mandate-holders on how such situations might best be handled in the future. The Guidance Note will not include the name of the author of the communication or of the subject mandate-holder, if individual conduct is in question. Recommended changes to the Manual will be vetted by the entire body of Special Procedures.

In an egregious case, where the CC finds that the conduct of the subject mandate-holder threatens the integrity of the system of Special Procedures as a whole, the CC will inform and provide additional guidance to the subject mandate-holder by private communication in case she

Coordination Committee of Special Procedures

14 September 2007

or he wishes to take appropriate action. The CC will also submit its findings to the President of the Human Rights Council.

The Chair of the CC will report to the President of the HRC on actions taken under this Procedure. The OHCHR Secretariat will give the customary support to the CC in exercising their functions under this procedure.