

**Model 1**  
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HUMAN RIGHTS COUNCIL

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***If in special consultative status: Written statement submitted by the Swedish NGO Foundation for Human Rights<sup>1</sup>, a non-governmental organization in special consultative status***

**Recommendations for the Review of the Special Procedures and NGO participation**

The human rights perspective in the process of reforming the UN has been a crucial issue to the Swedish Network for Human Rights comprised of sixty national NGOs. We are working in close contact with our international networks in Geneva, New York and the geographical South as well as other NGO's working for the promotion of human rights. In the face of the upcoming 60<sup>th</sup> anniversary of the UN Declaration of Human Rights, we hope for strengthened human rights monitoring mechanism and a Human Rights Council that has achieved the legitimacy that the reform process intended. A Council guided by the principles of universality, impartiality and the inter-relatedness of all human rights.

One year after the General Assembly passed Resolution 60/251, the cry for justice and peace can still be heard all over the world. We hear this cry from people living in poverty and suffering at the hands of oppressive regimes; from victims of war and civil conflict; from millions of displaced people; from those suffering from HIV and other pandemics; from those suffering from hunger, lack of clean water, and access to land for cultivation, and all other forms of human rights violations.

By Resolution 60/251 the General Assembly decided that the working methods of the Council should be transparent, fair and impartial, and thereby enable dialogue, be result oriented, as well as allow for subsequent follow-up discussions regarding recommendations and their implementation, and a substantive interaction with special procedures and mechanisms.

Our expectations of the members of the Council are to maintain strong mechanisms for the protection, promotion and implementation of human rights as well as for the prevention of human rights violations. The reform of the Council and the present review of the special mechanisms must result in an improvement of the capacity to engage in situations where

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<sup>1</sup> Church of Sweden, Save the Children, Sweden, Swedish Section of Amnesty International and United Nations Association of Sweden also associate themselves with the statement.

people's rights are being violated and thus make an actual difference in the lives of those suffering.

**Special Procedures:** The Special Procedures have been and still are at the core of the international human rights system. It is imperative that these Special Procedures are maintained as having an essential function in the Human Rights Council. The purpose of these Special Procedures was to open for independent, objective, expert advice. Hence their contribution to the reporting, monitoring and implementation of human rights standards have been of vital importance for the new Council and instrumental for urgent action on human rights violations. In particular, the key role played by the special rapporteurs (country and thematic) has proven to be of enormous importance due to the expertise and insight they can offer. It is of utmost importance to strengthen and improve this existing system. The current review must lead to a comprehensive and coherent Special Procedures system that can assist the Council in fulfilling its responsibility to promote universal respect for the protection of all human rights for all and an effective contribution to the Universal Periodic Review (UPR).

All Special Procedures should meet a high standard of expertise on human rights as well as integrity, independence and impartiality. The appointment process should preserve these principles. Without independent and objective experts the ability of the Human Rights Council to respond to violations will be severely compromised. The interactive dialogue with the Special Procedures needs to be continued and re-enforced and should include the field expertise of NGOs. Independent human rights expertise must also inform the new UPR process by analyzing and synthesizing information pertaining to the situation in the specific countries. It is of particular importance that the Council ensures the implementation of the recommendations of the Special Procedures and report on actions to meet them.

To preserve the independence and expertise of the Special Procedures, the mandate holders should be allowed to maintain their ability to establish and develop their own working methods. The working methods of the Special Procedure have been distilled over the years and adopted as a manual that has been revised during 2006 and opened for further comments. We see no reason for replacing or combining the manual with a code of conduct. Any concerns about working methods of Special Procedures can be addressed through a process of consultation and a revision of the draft manual that is already underway. The integrity, independence and impartiality should be respected when it comes to the capacity of the Special Procedures to fulfil the work in accordance with the manual. The principle of the universality of human rights should be given emphasis as the guiding principle to ensure accountability of States.

In accordance with the concept of human security and the responsibility to protect, we believe that the preventive work of the UN should be effectively linked to the human rights mechanisms, including the Human Rights Council. In order to develop a solid system of early warning within the UN, close contact between the Council and other UN human rights mechanisms, NGOs and Special Procedures should be emphasized.

The Special Procedures have been instrumental in providing early warning and recommendations for urgent measures at the international level in cases of human rights violations and crises. It is of utmost importance that the Human Rights Council is alert and responsive to such warnings and that it acts upon them. Support to the Special Procedures must be ensured in order to guarantee a follow-up of the review and support a result oriented process.

The review should result in a proper integration of the Special Procedures' work into the work of the Human Rights Council. By paying better attention to and acting upon the reports and recommendations of the Special Procedures, the Council will be able to better fulfill its mandate and mission.

It is also of high interest that the inter-relatedness and interdependence between economic, social and cultural rights on one hand, and civil and political rights on the other hand, become mirrored by a balanced selection of thematic mandates and also in relation to the country mandates. The rights of the child should be mainstreamed throughout the work of the Special Procedures. Each mandate, either country or thematic, should systematically include the rights of the child.

**NGO-participation:** It is of vital importance that the capacity and competence of NGOs are respected and that their possibilities to participate in workings of the Council are ensured. That the Special Procedures and the interactions between the Human Rights Council and NGOs are guided by transparency are of outmost importance. The practice, as has been applied by the chairperson for the first year of the new Council, of involving NGOs through interactive dialogue and in working groups, is greatly appreciated and should be integrated into the continued work of the Council. Round tables, panel discussions and side events should also be promoted to benefit from the competence of all participants. Working groups reporting on the website of the Council is one way that transparency can be achieved. This should be a policy that can be elaborated since it contributes to facilitate an interactive dialogue with those NGOs that are not based in Geneva and are the voice for those people that may not otherwise be heard by the Human Rights Council.