

**Human Rights Council 2011 Review**  
**Open-ended Working Group**  
**Statement by the Delegation of the United States of America**  
**On Special Procedures**  
**February 17, 2011**

Thank you, Mr. President.

The United States believes the special procedures are one of the most important, and most effective, tools of the international human rights system. We welcome any proposal that would strengthen the work of the special procedures, protect their independence, and increase state cooperation with them. It is especially important to guard the independence of the special procedures, which is the cornerstone of their credibility and effectiveness. Unfortunately, this negotiating text seems to focus too heavily on the responsibilities of the special procedures while doing little to encourage the cooperation called for in General Assembly resolution 60/251, and HRC resolution 5/2.

The selection process for the special procedures must be transparent, free from interference, and ensure the selection of the best qualified candidates. Anything that broadens the pool of well-qualified candidates is welcome. Any process in

which states or regional groups “endorse” particular candidates, as in paragraph 24(a), only limits the pool of candidates and unnecessarily politicizes the process. We would prefer language indicating that such groups or entities can propose or submit candidacies. Highlighting a role in the selection process for the regional coordinators, as in 24(d), is also inappropriate. The Consultative Group is already representative of the five regions.

We welcome paragraph 30, which ensures the National Human Rights Institutions can intervene during interactive dialogues on special procedures, but we must clarify that this refers to accredited NHRI’s that are in compliance with the Paris Principles.

While technical assistance is important, the requirements in paragraph 32 would unduly burden the special procedures and interfere with their role as independent rapporteurs and should be deleted.

Paragraph 33 encourages state cooperation, but should do much more to affirm the requirement to cooperate with special procedures and provide specific guidelines to measure this cooperation. This could be accomplished through a

requirement that states respond within four months of a country visit request with a suggested time frame for the visit, 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, and cooperate in assisting the modalities of the country visit.

Paragraph 34, and indeed this entire cluster, should also go further and be more specific about the importance of cooperation with special procedures. The Office of the High Commissioner should present a detailed public record of how States cooperate with the independent experts, including a database on all communications, to be produced on an ongoing basis. Information in this database could include be 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).

Paragraph 36 should be deleted in its entirety, at it contains an unacceptable attempt to limit independence of the special procedures. However, we welcome

the provisions in paragraph 37 that protects groups or individuals who have cooperated with special procedures. This provision should be expanded to ensure protection for anyone who cooperates with any aspect of the Council's work.

Finally, we are very concerned about the provisions in Section C on resources and funding, which taken as a whole seem designed to use financial provisions to control special procedures and limit their effectiveness. Transparency is important, but this should be implemented in a way that is not onerous and that does not discourage legitimate contributions. The important recognition of the continued need for extra budgetary funding is buried in the text and coupled with a call for un-earmarked contributions. Requiring un-earmarked contributions, or forcing voluntary contributions to be made to a central pool, goes against a state's sovereign right to decide how its contributions are used. Furthermore, in any system like ours in which the budget process is an independent function, requiring un-earmarked contributions would drastically reduce the level of support to special procedures. In addition, a report on expenditures attached to every report of the special procedures would be burdensome and infeasible.

In conclusion, the work of the special procedures is critical to the effectiveness of this Council, and during this Review, one of our most important tasks is to strengthen their contributions to the Council. Unfortunately, the negotiating text as it currently stands is moving in the wrong direction.

Thank you, Mr. President.