

# Nigeria in the name of the African Group

I am taking the floor in the name of the African Group.  
We wish to extend <sup>our</sup> ~~our~~ <sup>appreciation and</sup> ~~thanks~~ to ~~Members~~ <sup>Members</sup> Husak,  
~~Buruzat and Gode~~ for their reports.

The three facilitators  
valuable

## ~~\*~~ - Review of Mandates:

### 1. Special procedures:

The position of the African group on the enhancement, sound operation and efficiency of the special procedures of the Human rights Council is the following.

Starting on this exercise, one should highlight the following elements, whose goal it is to ensure the improvement, the sound running and efficiency of Human rights Council Special Procedures. Naturally, The African Group will carefully consider each special procedure individually, in order to take a relevant decision:

- It is important to ensure a proper balance between economic, social and cultural rights and civil and political rights within the mandates;
- The African group is particularly attached to the special procedures, in particular procedures that are related to poverty, racism and racial discrimination, food, the right to development and education, international solidarity, occupied Palestinian territories since 1967, intolerance and a score of others;
- All special procedures must be rationalised, avoiding or eliminating overlapping and duplication between the different mandates whenever it is possible and necessary;

whether governmental or non-governmental

- In the delivery of their mandate, mandate holders must demonstrate professionalism, competence, objectivity, impartiality, good will and independence from all pressure, at all times;
- The choice of mandate holders must be made in observance of the principle of equitable geographic distribution as well as the rotation within these groups. They should be elected based on lists of candidates proposed by Regional Groups to the Bureau of the Human Rights Council.
- The appointment of mandate holders must rest upon the principles of transparency and impartiality, taking into due account the personal achievements and the professional track record of the candidates, their experience at national and international level, in the area of the relevant mandate, along with their objectivity and independent thinking;
- The High Commission must bring the necessary and appropriate support to the Special Procedures. A balanced support must be granted to mandates that are related to economic, social and cultural rights as well as to those pertaining to civil and political rights;

of Operations

- ~~The Manual of Operations that was published some years back should allow scaling up the working methods of special procedures at different levels, including the admissibility and processing of allegations of human rights violations, field missions, public relations, in particular relations with the media and the necessary measures to ensure the required degree of confidentiality for the treatment of allegations, the presentation of reports... The preparation of a revised and updated draft Manual by the Coordination Committee on Special Procedures, during their 113<sup>th</sup> session (19-23 June 2006) should be noted with interest, as well as the decision of the Committee to submit it to Governments, the civil society and Treaty Bodies for examination and comments before publication. The African Group will not fail to present its detailed observations on the said draft manual in due time.~~

to the Council

should make recommendations on possible amendments thereto and elaborate a draft code of conduct relating to the work of special procedures.

- The working methods, on the part of mandate holders, must be clearly established and defined, in order to prevent potential overreach,
- An in-depth examination must be carried out in respect of the titles and denominations of mandate holders as part of a possible harmonisation process,
- The sources of information of the special procedures must be credible, reliable and independent,
- Mandate holders must coordinate their activities in order to prevent duplication and overlapping whilst submitting the communications. Similarly, complaints examined by the special procedures of the Human Rights Council or its subsidiary bodies should not be examined as part of the mechanisms of other United Nations bodies;
- Letters forwarding allegations of human rights violations must be signed personally by mandate holders;

*and mechanisms*

- The reports<sup>1</sup> of the special procedures must be addressed to the Human Rights Council;
- All communications forwarded to the States and containing allegations of human rights violations must be addressed only to the Permanent Mission to the United Nations in Geneva of the country concerned, even if it relates to an urgent appeal. In this respect, adequate criteria must be determined in order to qualify as "urgent" the nature of a communication proceeding from a special procedure;
- Concerning the relations of special procedures with the media, primacy must be given to the dialogue with the State concerned along with the Human Rights Council, on which it is incumbent to decide on the opportunity to call on the media;
- The Working Group of eminent personalities on the follow up to the Durban Conference must be added to the list of special procedures published on the website of the High Commissioner for Human Rights;
- ~~The African Group will express a more precise opinion on each mandate in due time.~~

**2. Sub-Commission for the Promotion and Protection of Human Rights (annex 2 includes the various mechanisms of the Sub-Commission) :**

The position of the African Group concerning the body that will succeed the current Sub-Commission is established as follows:

- The African Group reckons that the recommendations of the Sub-Commission contained in document A/HRC/Sub.1/58/CRP.13 are generally positive.
- The African Group considers that the Sub-Commission has played an important role in the promotion and advancement of human rights, both in normative and institutional terms. This important role played by the Sub-Commission ought to be reproduced within the context of the Human Rights Council. The Consultative Experts Body replacing the Sub-Commission should be a subsidiary body to the Human Rights Council charged with the reflection, analysis and expertise, and its studies, reports, recommendations etc. should be submitted to the Council.
- The Consultative Experts Body will have to play a promotional role, towards the progressive development of human rights principles, as proposed by the Sub-Commission in its above-mentioned report.
- The function of protecting human rights falls under the prerogatives and attributions of the Human Rights Council, and not of the body that will succeed the Sub-Commission;
- As far as the UPR (Universal Periodic review), the African Group considers that the State concerned must present the report underpinning the review. Consequently, it wishes to stress the fact that the Consultative Experts Body cannot play any role within this framework;
- The Consultative Experts Body should not deal with any country-specific situation;

- The members of the Consultative Experts Body must be appointed by the member States of the United Nations and elected by the Human Rights Council;
- Candidates must be independent, with extensive human rights-related experience and expertise along with proven dedication to the promotion and respect of all human rights;
- The Consultative Experts Body must comprise at least 26 members with a maximum term of two mandates;
- The principle of an equitable geographical distribution must be abided by in respect of the composition of the members of this body;
- Particular care must be taken to maintain the mechanisms of the Sub-Commission that are of particular interest to the African group, within this Consultative Experts Body, such as those pertaining to economic, social and cultural rights, non-discrimination and social development;
- Inter-session Working Groups ( Working Group on the contemporary forms of slavery, Working Group on the Indigenous Populations and Working Group on Minorities) as well as the Social Forum must be part and parcel of the Consultative Experts Body. They will have to meet each year for 5 days. Other Working Groups such as that on the effects of the working methods and activities of trans-national firms upon the enjoyment of human rights must equally be maintained.

### 3. Intergovernmental Working Groups :

Concerning the five Intergovernmental Working Groups transferred from the Commission of Human Rights to the Human Rights Council, the position of the African Group is as follows:

- The Working Group charged with developing a legally binding international instrument for the protection of all persons subjected to enforced disappearance and the Working Group charged with the elaboration of a draft Declaration on indigenous populations have completed their task and finalised the elaboration of the instruments they had been charged with. These documents have been adopted by the Council during its first session;

Given the importance of the remaining Working Groups, namely the Working Group on the Follow up to Durban, the right to development and the elaboration of an Optional Protocol to the International Covenant on economic, social and cultural rights, one should see to it that they do they play an important role within the mechanisms of the Human Rights Council. that their mandates are duly delivered or reinforced whenever deemed necessary and that appropriate support is provided to them by the Secretariat.

### 4. Complaint procedures (procedure 1503)

The African Group decided to examine this issue separately.

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