

Statement of the Bangladesh Delegation on the review of the special procedure and the sub-commission and the complaints procedure, at the Human Rights Council, 3 October 2006

Mr. President,

*Ann. 2 Check Rep. Ann. 9 James and Ann. 10 Switzerland
for updating us on the implementation of OPs of res. 2005/21
their leadership in the respective working groups.*

The special procedures, the sub-commission and the complaint procedure are the three essential elements of the United Nations human rights system. These mechanisms play significant role in the promotion and protection of human rights. All the three should be retained as integral parts of the Human Rights Council. However, the mechanisms need to be further strengthened and adapted to new realities.

There is a scope to improve these systems by fostering a greater sense of coordination among stakeholders, collegiality among mandate holders and harmonization of working methods.

I would ^{now} reflect on all three mechanisms by turn.

The special procedures

Mr.

The special procedures are critical for monitoring the observance of human rights standards and addressing violations. The mandate holders have a solemn responsibility to ensure the highest standards of professionalism, ^{lack of which raises many questions} independence, ^{that need to be addressed.} impartiality and objectivity. The system needs to be fine-tuned looking at the appointment procedures, working methods, and the framework of their operations.

The existing appointment procedure of the mandate holders needs to be reviewed. The criteria for appointment of a mandate holder should be his or her professional qualities, expertise, integrity, independence and impartiality. The mandate holders should be ^{nominated by the States and} elected ~~directly~~ by the Human Rights Council.

Due regards given to equitable geographical representation.

~~They should follow a common set of guidelines on working methods. The guidelines could also serve as a reference for States in their interaction with mandate holders. The basis would be sustained constructive dialogue between mandate holders and States based upon mutual respect.~~

A manual of operations should be necessary. It should contain a code of conduct, criteria for admissibility of allegations of human rights violations and their working methods and guidelines for performing their functions. The manual

should provide a standardized procedure for mandate holders to address allegations of human rights violations. *The manual should be adopted by the HRC*

The special mechanism should provide concise, comprehensive and focused reports within their respective mandates based on credible and reliable information. The Council should consider the reports of all special procedures and organize interactive dialogues with all mandate holders.

All mandates should be thoroughly examined and rationalised.

As regards the rationalization process, this should be carried out in a thorough manner. The underlying principles should be a balance between Civil & Political Rights and Economic, Social & Cultural Rights. In the last few years the network

of special procedures has undergone an unprecedented growth affecting the capacity of the human rights mechanism. It is important to have clear guidelines on the rationale and criteria for establishing new mandates. *These should be rationalised.* Duplication of

mandates place an unnecessary burden and jeopardize the credibility of mandate holders. *This should be avoided.*

Confidential complaint procedure

1503 complaint procedure serves as an important channel for individuals and groups to express their concerns of alleged human rights violations. The procedure must remain confidential. The objective of communication should be consistent with the relevant principle of Charter, the universal declaration of human rights and other applicable instruments of human rights.

Suitable criteria for admissibility of allegations of human rights violations and a credible and a standardized system of addressing them to governments should be evolved. *evolved and strictly followed* These criteria should be based on minimum evidentiary standards, verification of facts and satisfaction over exhaustion of domestic remedies.

Communications shall be admissible only if there are reasonable grounds to believe that they may reveal a consistent pattern of gross and reliable attested violations of human rights and fundamental freedoms. Communications should be inadmissible if domestic remedies have not been exhausted or such remedies

~~would be ineffective or unusually prolonged. All available details of the alleged violations should be provided to the concerned government.~~

The Council should have a single streamlined complaint mechanism in order for achieving better efficiency, avoiding duplication of work. ~~Complaints received from other mechanisms should be sent to this mechanism.~~

Sub-Commission

The Sub-Commission ~~has~~ played an important role as an independent think tank and technical advisory body. It has made valuable contribution to the promotion and protection of the human rights. It should be retained and transformed into a subsidiary expert advisory group of the Human Rights Council. The members of the expert group should continue to be elected according to the procedure currently in place. The advisory group should remain at its present size representing all geographical regions. The group would focus on thematic studies requested by the Council.

There should be no duplication of work between the Council and the advisory body, ~~which should focus its work on the thematic studies requested by the Council.~~

Mr. President,

The Council was mandated to review its performance every five years. The mandates and mechanisms should also be regularly reviewed to ensure that the human rights machinery ~~was running as smoothly as possible~~ is effective and ~~efficient~~ meet our expectation.

I thank you .