

Note by the Secretariat
Summary of the main changes incorporated in the draft revised
Manual of the United Nations Human Rights Special Procedures

I. Introduction

The Manual of Special Procedures was originally adopted at the 6th Annual Meeting of Special Procedures mandate-holders, in 1999. Since that time it has been revised to reflect the changing structure of the United Nations human rights machinery, new developments in relation to mandates, and the evolving working methods of the mandate-holders. It is subject to periodic review and updating by the mandate-holders.

At their 13th Annual Meeting, in June 2006, mandate-holders agreed to invite comments on the draft from Governments, civil society organizations, independent experts and other stakeholders. The deadline for submitting comments was initially established at 31 December and later extended to 10 April and to 18 June 2007 in the context of discussions on special procedures at the Human Rights Council (HRC). The Coordination Committee agreed to revise the Manual in light of the comments received and further consultations with mandate holders, present a report to the 14th annual meeting. During this meeting, participants decided to ask a number of mandate-holders, through the Coordination Committee, to look into the comments, as well as into the implications of Resolution 5/1 and 5/2 adopted by the HRC, to revise the Manual accordingly and to present an updated draft for discussion at the 15th Annual Meeting with a view to its adoption by all mandate holders.

II. Summary of substantive changes

The draft Manual integrates various changes in working methods as required by developments at the Human Rights Council, including the Code of Conduct. Various comments received from States and NGOs were also considered. This paper highlights some of the main substantive changes that have been accordingly incorporated in the draft Manual. Some other editorial or substantive changes have been made. The sections on the Coordination Committee (IV. A) and cooperation with partners (IV. B) have been consolidated to reflect latest developments and enhance the logic and structure of the Manual.

A. Appointment of mandate-holders

Resolution 5/1 adopted by the Human Rights Council establishes a new procedure for the selection of mandate holders. Paragraph 8 of the Manual has been updated to incorporate this change:

“According to Human Rights Council resolution 5/1, the following entities may nominate candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c)

international organizations or their offices (e.g. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations. A Consultative Group will be established to propose to the President, at least one month before the beginning of the session in which the Council will consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements. On the basis of the recommendations of the Consultative Group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President will present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments. The appointment of the special procedures mandate-holders will be completed upon the subsequent approval of the Council”.

B. Communications

Criteria for taking action

The Code of Conduct lays out certain criteria for taking action on communications. Paragraphs 38 of the Manual incorporated those criteria: “Information submitted to the Special Procedures alleging violations should be in written, printed or electronic form and include full details of the sender's identity and address, and full details of the relevant incident or situation. Information may be sent by a person or a group of persons claiming to have suffered a human rights violation. NGOs and other groups or individuals claiming to have direct or reliable knowledge of human rights violations, substantiated by clear information, may also submit information so long as they are acting in good faith in accordance with the principles of human rights and the provisions of the UN Charter, free from politically motivated stands. Anonymous communications are not considered. Communications may not be exclusively based on reports disseminated by mass media”.

Urgent Appeals

The definition of urgent appeals has changed according to article 10 of the Code of Conduct. In this connection, paragraph 43 of the Manual has been revised with the following text: “Urgent appeals are used to communicate information in cases where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation”.

Urgent appeals were previously transmitted directly to the Minister of Foreign Affairs of the State concerned with a copy to the Permanent Mission. The procedure has been changed in line with article 10 of the Code of Conduct. Thus, article 44 of the Manual has been accordingly amended with the following text: “Urgent appeals are transmitted by appropriate means (including, for example, by fax) addressed to concerned Governments through diplomatic channels unless agreed otherwise between individual Governments and the Office of the High Commissioner for

Human Rights”.

Publication of responses from States

According to article 8.d of the Code of Conduct, mandate holders shall “give representatives of the concerned State the opportunity of commenting on mandate-holders’ assessment and of responding to the allegations made against this State, and annex the State’s written summary responses to their reports”.

Paragraph 37 of the Manual states that “Periodic reports issued by the Special Procedures should reflect the communications sent by the mandate-holder and annex the governments’ responses thereto. They may also contain observations of the mandate-holders in relation to the outcome of the dialogue with the Government”.

Paragraph 74 refers to mission reports, which “generally contain details of the itinerary and of the principal meetings, an analysis of the situation, and a set of conclusions and recommendations directed towards the Government and other relevant actors. The draft report is first submitted to the Government to correct any misunderstandings or factual inaccuracies. Ideally, six weeks should be allowed for Government comments to be taken into account, but in any case no less than four weeks unless specifically agreed with the Government concerned. Mandate-holders might also opt to solicit comments on the draft report from UNCTs and other appropriate sources. The final reports are generally published as a separate document but might also be included as a part of a general report by the mandate-holder. Comments by the Government concerned on the substance of the report should be included as an annex to the report. They may, upon request of the Government concerned, also be issued as an official document”.

C. Press releases and press conferences at the end of country visits

According to article 49 of the Manual, in appropriate cases mandate-holders may decide to make urgent appeals public by issuing press releases.

This provision is connected to article 13 of the Code of Conduct which stipulates that mandate holders shall: “(a) While expressing their considered views, particularly in their public statements concerning allegations of human rights violations, also indicate fairly what responses were given by the concerned State”; and “(c) Ensure that the concerned government authorities are the first recipient of their conclusions and recommendations concerning this State and are given adequate time to respond.”

According to paragraph 50 of the Manual, “. In general, mandate holders should engage in a dialogue with the Government through the communications procedure before resorting to a press release. When a mandate holder sends a communication with the intention of issuing a press release shortly thereafter, such intention could be indicated to the Government in the communication. Mandate holders should indicate fairly the responses provided by concerned States. “ Paragraph 51 establishes that “Standard practice is that press releases are shared with the Permanent mission sufficiently in advance”.

A similar provision has been added to paragraph 72 of the Manual in relation to press conferences at the end of country visits: "At the end of a visit, mandate-holders will generally organize a press conference during which they will make a press statement and share their preliminary conclusions. The organization of the press conference is facilitated by the UNCTs. They may also indicate fairly any responses received from the concerned State in the meantime".

D. Reporting on country visits

The draft mission report prepared by a mandate-holder is first submitted to the Government. The time allowed for governmental comments has been extended, in line with article 13.c of the Code of Conduct. The updated paragraph 75 of the Manual incorporates this change: "Ideally, six weeks should be allowed for Governmental comments to be taken into account, but in any case no less than four weeks unless specifically agreed with the Government concerned".