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**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
ADAPTATION AND STRENGTHENING OF THE
UNITED NATIONS MACHINERY FOR HUMAN RIGHTS**

Joint written statement* submitted by Friends World Committee for Consultation (Quakers) and Franciscans International, non-governmental organizations in general consultative status, Amnesty International, the Association for the Prevention of Torture, Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT, the International Federation of Human Rights Leagues, and the International Service for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 December 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Standing Invitations to Human Rights Mechanisms

The above-named non-governmental organizations welcome the decision of a growing number of States to issue standing invitations to the human rights mechanisms of the UN Commission on Human Rights. As of 10 October 2004, 51 States have done so – most recently, New Zealand, Mongolia and the Republic of Macedonia. We urge Nepal to confirm to the Office of the UN High Commissioner for Human Rights in writing the standing invitation issued by their Foreign Minister at the UN Commission on Human Rights on 18 March 2004.

We call on other African States to follow the example of South Africa and Sierra Leone in issuing standing invitations in line with the Robben Island Guidelines (adopted in October 2002 by the African Commission on Human and Peoples' Rights and endorsed by the African Union in July 2003) which declare that "States should co-operate with the United Nations Human Rights Treaties Bodies, with the UN Commission on Human Rights' thematic and country specific special procedures...including the issuance of standing invitations for these and other relevant mechanisms".

We regret that the Transitional Authority of Afghanistan has not yet responded positively to the call made upon it in Commission on Human Rights Resolution 2003/77 "to consider extending a standing invitation".

States that have so far issued standing invitations to the human rights mechanisms are located in all regions. They are: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Islamic Republic of Iran, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Macedonia, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. In this way, they have demonstrated their willingness to cooperate with these mechanisms and their commitment to the promotion and protection of human rights through the United Nations system.

We call on all States who have not yet done so to issue a standing invitation, in line with UN Commission on Human Rights Resolution 2004/76 on human rights and special procedures which recognized "that standing invitations constitute announcements by States that they will always accept requests to visit from all special procedures and encourage[s] States that have not yet done so to consider making such an announcement". In particular, countries which are members of the Commission should demonstrate their commitment to the Special Procedures which they themselves are responsible for creating by issuing such invitations. It is with great regret that we note the following members of the 2005 UN Commission on Human Rights have *not* yet issued a standing invitation: Armenia, Australia, Bhutan, Burkina Faso, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guinea, Honduras, India, Indonesia, Japan, Kenya, Malaysia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Ukraine, United States of America and Zimbabwe. We especially encourage Australia as the home of the

current Chair, and Indonesia, as the home of the anticipated Chair of the 61st session, to do so.

In addition, we call on all States, whether or not they have issued a standing invitation, to cooperate fully with the Special Procedures of the UN Commission on Human Rights, *inter alia* by responding promptly and substantively to communications, by expediting access for country visits when requested, by implementing recommendations, and by reporting to the relevant Special Procedure on follow-up action taken.

Background

Since the 1980s, the UN Commission on Human Rights has established a number of human rights mechanisms, known generically as the "Special Procedures". In particular the thematic procedures consist of Special Rapporteurs, Special Representatives, Working Groups and Independent Experts who are charged with considering a specific human rights issue in relation to all countries in the world. As part of their work, the Special Procedures visit countries in order to examine at first hand the situation in relation to the issue in their mandate, and report to the Commission on these visits.

In order to undertake a country visit, traditionally the individual mechanism has to be invited by the State concerned. At present, the process is almost always initiated by the Special Procedures themselves approaching the State expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond at all. This also means that resources are used in soliciting invitations rather than on the implementation of the mandates. Since all the Special Procedures are established by resolution of the UN Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of their established methods of work, States should do their best to facilitate such visits.

A simple and effective way of helping to do this is for each State to issue a Standing Invitation to visit their country to all the Special Procedures of the Commission. This:

1. Demonstrates their commitment to co-operation with these procedures;
2. Enhances the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. De-politicizes the process of country visits by shifting the focus away from the question of access, to questions of substance; and
4. Enables the procedures (individually and corporately) to plan and prioritize visits more effectively, knowing that the invitation to visit already exists and remains open.

By issuing a standing invitation, a State signals its confidence in, and commitment to, the Special Procedures and the UN system of human rights protection of which they form an integral part. As the standing invitations increase in number, the Special Procedures system and the UN Commission on Human Rights as a whole are necessarily

strengthened. With the Commission presently expending substantial efforts toward enhancing its effectiveness, Member States could make a major contribution toward that end through issuing a standing invitation.

Practicalities

1. A State could announce its decision to extend a standing invitation to the Special Procedures at the UN Commission on Human Rights, and submit it in writing to the Office of the UN High Commissioner for Human Rights. The wording used by Norway, the first country to issue a standing invitation, was: *"Norway would also like to extend an open invitation to all Special Rapporteurs and other mechanisms under this Commission to visit us at any time,* Hilde F Johnson, Minister for International Development and Human Rights of Norway, 26 March 1999.

Alternatively

2. A State could deposit the standing invitation with the UN High Commissioner for Human Rights. A simple letter to this effect, lodged with the High Commissioner, would be sufficient. A request that the letter be circulated as a document of the UN Commission on Human Rights would ensure that the invitation was brought to the attention of other States and non-governmental organizations. The website of the Office of the UN High Commissioner for Human Rights includes a list of States which have issued standing invitations, so this information is readily available to all interested parties (<http://www.ohchr.org/english/bodies/chr/special/invitations.htm>).

3. The Special Procedure wishing to take up such an invitation would contact the government to inform them of the intention to visit and to arrange the timing and other aspects of the visit as at present.

Commentary

In practice, for those States that accept visits from Special Procedures already, there would be no substantive change.

Since the Special Procedures would still be undertaking visits only at the invitation of the Governments, albeit a standing invitation, it should not in any way be objectionable to States. At the same time, as a growing number of States issue such invitations, it facilitates the work of the Special Procedures and demonstrates the good faith of States in accepting their obligation to co-operate effectively with the mechanisms which they themselves have created through the UN Commission on Human Rights.

Recommendations

The above named Non-Governmental Organizations call on:

1. All States, in particular members of the Commission, that have not yet done so to issue standing invitations for country visits to all human rights mechanisms of the UN Commission on Human Rights, in line with Commission resolution 2004/76;

2. All those States that have already extended a standing invitation to encourage all those States that have not yet done so to consider doing so;
3. The Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of States; and
4. All States, whether or not they have issued a standing invitation, to cooperate fully with the Special Procedures of the UN Commission on Human Rights, *inter alia* by responding promptly and substantively to communications, by expediting access for country visits when requested, by implementing recommendations, and reporting to the relevant Special Procedure on follow-up action taken.
