

CODE OF CONDUCT FOR MANDATE HOLDERS - SUGGESTED LANGUAGE

We are gender equality and women's human rights activists present at the Human Right Council 5th session. We want to recognize the work done by the African Group in incorporating the diverse perspectives raised into their draft Resolution *Code of Conduct for Mandate Holders of the Special Procedures of the Human Rights Council, dated June 13th, 2007*.

However, there remain some key points of concern to us.

On Article 7:

Most human rights violations are of a complex and multidimensional nature. During the interactive dialogue on the report of the SR on Extreme Poverty, many countries highlighted the importance of the different dimensions of poverty and how they interacted with other human rights. Special Procedures are human rights experts and one of the most important contributions they make to the system is precisely to analyze and reveal the root causes of human rights violations and the links connecting different rights and obligations.

So we suggest the following amendment for **Article 7:**

“It is incumbent on the mandate-holder to exercise their functions **in accurate [instead of “strict”]** observance of their mandate and in particular to ensure that their recommendations are **consistent with [REPLACE: “do not exceed”]** this mandate or the mandate of the Council itself.

On page two there are several references to GA resolution 60/251. We suggest adding wording from PP3 of the same resolution which reads as follows:

“ ... reaffirmed that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing.”

On Article 4c:

Building democratic processes has implied a permanent review of legal frameworks all over the world. To constrain the work of SR by the established national legal frameworks would mean to ignore the progresses made in international discussions. Observations by SR are a key element for countries to elaborate national norms that in turn will guarantee better protection for HR. **So, we suggest the following addition to Article 4c.**

“Notwithstanding these privileges and immunities, the mandate holders shall carry out their mandate while respecting the national legislations and regulations of the country wherein they are exercising their missions **[ADD: to the extent that these laws and regulations are consistent with human rights and the effective performance of the mandate holders' official functions]**”.

On Article 6c:

Part of the added value of the SP system over the treaty-bodies is their ability to scrutinize the situation of HR in potentially any country, particularly in those that have not ratified the different UN treaties. So, in order to provide better protection to all victims of HR violations everywhere and to avoid duplicating the work of the Treaty Bodies, we suggest the following amendment:

“Evaluate all information in light of universally recognized human rights standards relevant to their mandate and of international conventions **[DELETE: ratified by the State concerned.]**

Finally, we would urge you to support the Brazilian proposal on protecting the sources of information of mandate holders.

We want to commend you all in the work you are doing to build a Human Rights Council that will better serve its purpose and we want to reiterate our commitment to work together with you on this important endeavor.

Thank you.

This statement is made on behalf of Development Alternatives with Women for a New Era, Action Canada for Population and Development, Federation for Women and Family Planning, the International Alliance of Women, The Canadian HIV/AIDS Legal Network and other partner NGOs engaged in human rights activism coming from Asia, Eastern Europe, Latin America, North America and Europe.