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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Item 18 (c) of the provisional agenda

### 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),

a non-governmental organization 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 and  
the International Federation of Human Rights Leagues,  
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.

[4 December 2003]

#### Standing Invitations to Thematic Human Rights Mechanisms

The above-named non-governmental organizations welcome the decision by States to issue standing invitations to the thematic human rights mechanisms. As of 17 July 2003, 48 States have done so – most recently, Ecuador, Liechtenstein, Croatia, Paraguay, Colombia, San Marino, Sierra Leone and South Africa. We particularly welcome the issuing of such invitations by Sierra Leone and South Africa, as by their actions they have ensured that members of the African Group are represented amongst those States which have issued an invitation. It is now to be hoped that other African states will follow their example, also 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 declares 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".

As the Asian group is now the least represented amongst those who have issued standing invitations, we urge other countries to follow the example of Iran and issue such an invitation without further delay. We further hope that the Transitional Authority of Afghanistan will respond positively to the call made upon it in the Commission on Human Rights Resolution 2003/77 "to consider extending a standing invitation".

Other States which have so far issued standing invitations to the human rights mechanisms are: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Islamic Republic of Iran, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, 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 other states who have not yet done so to issue a standing invitation, in line with Commission Resolution 2002/84 on human rights and thematic procedures which recorded the trend of governments to issue standing invitations to the thematic mechanisms of the Commission, rather than individual, ad hoc invitations, and encouraged other governments to consider doing the same. 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 2004 Commission have *not* yet issued a standing invitation: Armenia, Australia, Bahrain, Bhutan, Burkina Faso, Chile, China, Congo, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Honduras, India, Indonesia, Japan, 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.

## Background

Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known generically as the "Special Procedures". These 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 thematic 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 Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of the established methods, States should do their best to facilitate such visits.

A simple and effective way of doing this is for States to issue a Standing Invitation to visit their country to all the thematic Special Procedures of the Commission. This would:

1. Demonstrate their commitment to co-operation with these procedures;
2. Enhance the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. De-politicize the process of country visits by shifting the focus away from the question of access, to questions of substance; and
4. Enable 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 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 Commission on Human Rights. The wording used by Norway 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 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.unhcr.ch/html/menu2/2/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. Indeed, there may be less pressure to seek visits precisely because they can be undertaken at any time, and because of the demonstrated openness to visits.

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 Commission on Human Rights.

#### Recommendations

The above named Non-Governmental Organizations:

1. Urge all States, in particular members of the Commission, that have not yet done so to issue standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights, in line with Commission resolutions 2002/84 and 2002/68;
2. Call on all those that have already extended a standing invitation to encourage all those States that have not yet done so to consider doing so; and
3. Request the Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of States.

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

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