

**JOINT STATEMENT BY THE HUMAN RIGHTS COUNCIL OF
AUSTRALIA, THE ASIAN LEGAL RESOURCE CENTRE, BAHÁ'Í
INTERNATIONAL COMMUNITY AND THE CAIRO INSTITUTE
FOR HUMAN RIGHTS STUDIES**

Item 5
9 June 2009

This statement is made on behalf of the Human Rights Council of Australia, the Asian Legal Resource Centre, the Baha'i International Community and the Cairo Institute for Human Rights Studies.

During the last days of the former Commission on Human Rights and the first days of this Council, the Special Procedures were described as the 'jewel in the crown' of the United Nations human rights system, 'the eyes and ears' and 'the hands and feet' of the old Commission. That is why the Council's constitution, General Assembly resolution 60/251, maintained the Special Procedures mechanism and called for it to be improved.

Yet in the three years of this Council, we have seen repeated attempts, at session after session, to take away the Council's capacity to see and to hear, to move and to act. The Special Procedures system has not been improved but undermined.

In the institution building year States adopted a Code of Conduct for Special Procedures mandates holders. It was proposed then that that Code needed to be complemented by a Code of Conduct for States. Experience since then has established that need beyond doubt.

A Code of Conduct for States should set out a clear basis for the relationship of States with the Special Procedures. It should require, among other things,

- that States respond promptly and frankly to communications from Special Procedures
- that States issue standing invitations to Special Procedures and then agree to visits within a reasonable time of a request being made
- that States give serious consideration to the reports and recommendations of Special procedures and
- that States engage respectfully with Special Procedures, including where there are disagreements and differences of view.

Most importantly all elements in the Code of Conduct be based on the fundamental principle that States are required, in the words of GA resolution 60/251, 'to cooperate fully' with the Council's Special Procedures.

The time has come for the Council to commit to, develop and adopt a Code of Conduct for States.