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For the attention of the Consultative Group of the Human Rights Council

Her Excellency Ms. Aviva Raz Shechter (Israel)
His Excellency Mr. Kok Jwee Foo (Singapore)
His Excellency Mr. Negash Kebret Batora (Ethiopia)
His Excellency Mr. Vaqif Sadiqov (Azerbaijan)
His Excellency Mr. Victor Arturo Cabrera Hidalgo (Ecuador)

CC: Eric Tistouet, Chief
Human Rights Council Branch
Office of the United Nations High Commissioner for Human Rights

hrcspecialprocedures@ohchr.org

8 May 2018

Re: Appointments to be made at 38th through 40th sessions of the Human Rights Council

Excellencies,

We write to you in your capacity as members of the Consultative Group of the Human Rights Council in relation to the appointment of Special Procedure mandate holders at the 38th, 39th and 40th sessions.

The appointment of independent, impartial, competent and expert persons from all regions of the world is essential to ensuring a well-functioning system of Special Procedures, which, in turn, is of crucial importance to the functioning of the Human Rights Council. The selection and appointment of mandate holders, through a transparent and merit based process, on the basis of relevant expertise for the mandate in question, real and perceived independence, impartiality, personal integrity and objectivity are of crucial importance for the effective functioning of the mandates.

Civil society organizations often develop mandate-specific checklists that can be used for individual mandates to assess the candidates' compliance with these criteria indicating the necessary expertise. Some are available for mandates currently being considered, and others are available as examples of past mandates.¹ Attached to this letter, however, we include a more general checklist which we encourage you to consider in the selection process for all mandates to ensure the selection of experts who fully comply with the criteria in Human Rights Council resolution 5/1 and the technical and objective criteria set out in its decision 6/102.

Resolution 5/1 provides that to be independent "individuals holding decision-making positions in Government or in any other organisation or entity which may give rise to a conflict of interest with the responsibilities

¹ See for example, Call for applications and proposed criteria for selection and appointment of a new UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism available at <https://www.amnesty.org/en/documents/ior40/5902/2017/en/>, Proposed criteria for selection & appointment of a new mandate holder on the situation of human rights defenders available at <https://www.amnesty.org/en/documents/ior42/0002/2013/en/>, Proposed criteria for selection & appointment of a new Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity available at http://ilga.org/downloads/E_SOGI_Criteria.pdf

inherent to the mandate shall be excluded.” The conflict of interest provision has also been interpreted to mean that candidates are expected to clarify how, if appointed, they would deal with any perceived or actual conflict of interest in relation to governments, inter-governmental organisations, or non-governmental organisations. We encourage that a rigorous application of both the letter and the spirit of this provision be applied by the Consultative Group when selecting and proposing candidates.

Another element of this selection process is to give continued consideration to diversity: in addition to giving due consideration to an appropriate representation of experts of **different legal and social systems**, the Human Rights Council need to appoint a truly diverse group of Special Procedure mandate holders.

According to OHCHR², as of 31 December 2017, 44% of the mandate holders identified as women. The statistics also provide an overview of **geographical distribution**, where the Western European and Others Group (WEOG) is overrepresented with 32.50%, against 22,50% from the African Group, 20% from the Latin American and Caribbean Group (GRULAC), 13,75% from the Asian-Pacific Group and 11.25% from the Eastern European Group. It also shows a lack of **gender diversity**, with male-identified mandate holders being overrepresented in all regional groups but WEOG, with the largest underrepresentation of female-identified women being from the GRULAC, and with no data available on non-binary or gender diverse candidates.

The issue of diversity goes beyond the need to appoint a greater number of women, and of having equitable geographic representation. The mandates of Special Procedures impact on the enjoyment of human rights by all persons, and the composition of mandate holders should reflect that wide range of experiences, based on, but not limited to factors such as, age, gender, sex, race, sexual orientation, gender identity, gender expression, socio-economic status, disability, nationality, immigration status and being members of Indigenous Peoples or of ethnic, religious or linguistic groups. A truly diverse composition of mandate holders would bring their unique experiences and understanding of issues to the work, which can only strengthen individual mandates and the system’s ability to address multiple forms of intersecting discrimination.

Hence we encourage you to use the checklist attached in the selection process of experts and to adopt “Guidelines on Gender Parity”, similar to those adopted by the Consultative Group in 2015. We encourage you to revisit these and to consult on the new draft guidelines with interested stakeholders, including NGOs.³

Yours sincerely,



Anna-Karin Holmlund
Senior Advocate
Amnesty International and

Alkarama Foundation
Asian Legal Resource Centre (ALRC)
Conectas Direitos Humanos
DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
Egyptian Initiative for Personal Rights
GQual Campaign
Human Rights Watch
International Commission of Jurists (ICJ)
International Federation for Human Rights (FIDH)
International Lesbian, Gay, Bisexual, Trans and Intersex Association
International Movement Against All Forms of Discrimination and Racism (IMADR)
International Service of Human Rights (ISHR)
Southern African Human Rights Defenders Network
West African Human Rights Defenders Network

² <http://www.ohchr.org/Documents/HRBodies/SP/A-HRC-37-37-Add-1.pdf>

GENERIC CHECKLIST FOR SELECTION OF CANDIDATES FOR THE MANDATE OF UN SPECIAL PROCEDURES

DIVERSITY: CROSS CUTTING CONSIDERATIONS TO TAKE INTO ACCOUNT IN ASSESSMENT UNDER CRITERIA 1-4

Checklist:

- Consideration of gender diversity among the candidates, including in relation to the existing mandate holders.
- Consideration of geographical representation, including in relation to regional groups that are currently underrepresented.
- Consideration of candidates from underrepresented groups, with experiences, based on, but not limited to factors such as, age, gender, sex, race, sexual orientation, gender identity, gender expression, socio-economic status, disability, nationality, immigration status and being members of Indigenous Peoples or of ethnic, religious or linguistic groups.
- Consideration of candidates who are experts of different legal and social systems.

1. QUALIFICATIONS (AND SKILLS): RELEVANT EDUCATIONAL QUALIFICATIONS AND EQUIVALENT PROFESSIONAL EXPERIENCE IN THE FIELD OF HUMAN RIGHTS.

Checklist:

- An advanced university degree, or equivalent experience, that includes a discipline directly related to the mandate, preferably with a substantial focus on international human rights law.
- Academic publications or other published material (articles, studies, reports, research papers or any similar written material demonstrating in-depth knowledge) addressing issues relevant to the mandate, from a human rights perspective.
- Excellent oral and written communication skills in at least one of the UN working languages (English, French and Spanish). Communication skills in other UN working language are highly desirable. Knowledge of other widely-used or official UN languages, such as Arabic, Chinese or Russian, would also be an asset.
- Extensive experience in public speaking (for example in expert seminars) and also in communicating with governments, the media and other relevant stakeholders.

2. ESTABLISHED COMPETENCE: NATIONALLY, REGIONALLY OR INTERNATIONALLY RECOGNISED COMPETENCE RELATED TO HUMAN RIGHTS.

Checklist:

- Excellent knowledge and expertise on human rights-compliant responses to human rights issues covered by the mandate.
- Extensive experience in critically analysing information and data, in order to be able to review individual cases as well as identify trends and make effective recommendations to States and other actors.
- Knowledge of human rights-based principles and methodologies for conducting country visits and the ability to conduct both academic and field research required in carrying out country visits.
- Experience in interacting sensitively and appropriately with victims of human rights violations.
- Experience in engaging on the impact on human rights and issues of accountability with authorities responsible.
- Commitment to working closely with a range of stakeholders, including NGOs.

3. RELEVANT EXPERTISE: KNOWLEDGE OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS, NORMS, STANDARDS AND PRINCIPLES; AS WELL AS KNOWLEDGE OF INSTITUTIONAL MANDATES RELATED TO THE UNITED NATIONS OR OTHER INTERNATIONAL OR REGIONAL ORGANISATIONS' WORK IN THE AREA OF HUMAN RIGHTS; PROVEN WORK EXPERIENCE IN THE FIELD OF HUMAN RIGHTS.

Checklist:

- Extensive knowledge of international human rights law and standards, and other fields of international law and policy as relevant.
- A substantial level of progressively responsible experience in the field of human rights, including in conducting or monitoring human rights investigations.
- Excellent knowledge of the international and regional legal frameworks and case law relevant to the promotion and protection of human rights in the relevant area.
- Extensive experience in working in varied socio-cultural, legal and religious contexts to raise awareness on, and foster understanding of, human rights.
- Excellent knowledge of institutional mandates of the United Nations or other international or regional organisations in the area of human rights.

4. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME TO PERFORM EFFECTIVELY THE FUNCTIONS OF THE MANDATE AND TO RESPOND TO ITS REQUIREMENTS, INCLUDING ATTENDING HUMAN RIGHTS COUNCIL SESSIONS.

Checklist:

- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices in the context of the relevant mandate.
- A demonstrated commitment to human rights law, standards and values.
- A commitment to uphold the integrity, independence and impartiality of the mandate.
- Willingness and ability to devote a substantial proportion of working hours to fulfilling the mandate, which includes undertaking two to three country missions per year, preparing and presenting reports to the Human Rights Council and, for most mandates, to the General Assembly, attending other UN meetings and events and seminars organized by civil society and other actors.
- Willingness and ability to act urgently when cases or situations so require.