

9 June 2020

Excellencies

Mr. Ahmad MAKAILA (Chad)  
Mr. JIANG Duan (China)  
Ms. Sabina STADLER REPNIK (Slovenia)  
Ms. Erika Gabriela MARTÍNEZ LIÉVANO (Mexico)  
Mr. Carlos DOMINGUEZ DÍAZ (Spain)

Dear members of the Consultative Group of the Human Rights Council (HRC),

We write on behalf of [GQUAL](#), a global campaign seeking to achieve gender parity in international tribunals and monitoring bodies.

We would like to congratulate you for taking gender balance into account to inform the recent selection process of candidates and recommendations to the President of the HRC for the mandates that are up for election during the upcoming HRC's 44<sup>th</sup> session. Gender equality considerations are particularly relevant in the next upcoming election, since it includes two of the mandates that have never been held by a woman: the Special Rapporteurship on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteurship on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The nomination of all women in the short lists for these positions by the Consultative Groups sends a strong message regarding the importance of upholding the principle of equal opportunity for women to compete in a fairer playing field.

Additionally, we write to request the current CG to officially adopt "Guidelines on Gender Parity," similar to those adopted by the CG in 2015, as a policy that guides the selection process of mandate holders, so that gender balance cannot only be achieved in the current cycle, but also sustained in the longer term. Experience shows that progress in gender parity does not preclude the possibility of regression.

In June 2015, the CG adopted "Guidelines on Gender Parity" to address gender disparity in the Special Procedure mandate holder selection process. The Guidelines recommended the establishment of gender targets that the CG would take into account for the approval of the short lists of candidates to be interviewed and the one presented to the President of the HRC for appointment. Unfortunately, these important guidelines were not adopted by subsequent memberships of the CG and, despite attention being put by the CG on this issue in their reports and decisions, the underrepresentation of women continues to affect the Special Procedures.

The impact of the Guidelines approved by the CG in 2015 is well documented. The reports of the CG from the 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup> sessions of the HRC each made explicit mention to the Guidelines when outlining the selection process for Special Procedure mandate holders. In those sessions, the CG considered applications for 11 Special Procedure positions, plus 2 positions to the Expert Mechanism on the Rights of Indigenous People (EMRIP), a subsidiary body of the HRC. The 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup> sessions resulted in about 45% female appointees to Special Procedure mandates, and two more women were proposed by the CG and appointed by the HRC to the EMRIP. Overall, these sessions led to 56% female appointees.

The Guidelines adopted by the CG in 2015 also addressed the concern of insufficient women candidates by including specific requests to the OHCHR Secretariat to extend the deadline for nominations when not enough eligible women applied to the available positions. We consider this an excellent precedent to increase gender parity amongst Special Procedure mandate holders and avoid all male lists of candidates.

We further note that, in its reports from the 38<sup>th</sup>, 39<sup>th</sup>, 40<sup>th</sup>, 42<sup>th</sup> and 43 sessions, the CG acknowledged the importance of the 2015 Gender Parity Guidelines and considered them in the interviewing process of candidates for mandate holders. As a result, 46.8% of the appointees in those sessions were female, even when only 37% of nominees were women. However, these CG did not adopt Gender Parity Guidelines and the “Legacy Letter” of April 1, 2020 presented by the last CG to the President of the HRC did not refer to Guidelines and did not include specific recommendations to overcome gender disparity. As per the report for the 44<sup>th</sup> session, the current CG stated that it “uphold the principle of gender parity and to strictly follow the spirit and recommendation of the guidelines to the extent possible,” but decided not to adopt them formally as official policy.

According to data collected by GQUAL, as of May 2020, out of 80 available positions women occupy 34. However, this figure drops to 27, if we exclude the mandates that are strictly related to women’s rights and have been historically assigned to women, such as the *Working Group on the Issue of Discrimination against Women in Law and in Practice*, the *Special Rapporteur on Trafficking in Persons, especially Women or Children*, or the *Special Rapporteur on Violence against Women*. Women are also acutely underrepresented in several working groups, including the Working Group on Enforced or Involuntary Disappearances and the Working Group on Experts of People of African Descent, that have only one woman among its five members.

In fact, 15 out of 56 UN Special Mandates have never been held by a woman, including key Rapporteurships such as the Mandates on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, torture and other cruel, inhuman or degrading treatment or punishment, and on the promotion and protection of the right to freedom of opinion and expression, two of which this CG has selected and recommended women to be appointed.

The underrepresentation of women undermines the legitimacy and impact of Special Procedures. Without adequate gender balance, the Special Procedures fail to be truly representative, and to adequately reflect the values of equality and non-discrimination. The CG has a fundamental role in changing this.

As stated before, the challenge is not only to seek gender parity in a particular selection cycle, but to ensure long term sustainability, and avoid the possibility of regression. Thus, to guarantee a sustained improvement in gender balance in the Special Procedures, we reiterate our request that the current membership of the CG for the period March 2020-March 2021 adopt a similar gender policy to the 2015 Guidelines and recommends future members to maintain it. Measures such as the one taken by this CG to include only women candidates in the election of positions that have a historic underrepresentation, or including rules for the alternation between male and female candidates should be part of such Guidelines.

We thank you for your attention and commitment to this issue and remain at your disposal for any further information we might be able to provide.





Sincerely,

The GQUAL Secretariat:

Viviana Krsticevic

Maria Noel Leoni

Claudia Martin

Alexandra McAnarney



Alejandra Vicente



**GQUAL**