



7 December 2020

Her Excellency

Ms. Elisabeth Tichy-Fisslberger

President of the Human Rights Council

Palais des Nations, 1211 Geneva 10

Switzerland

Email: [hrcpresidency@un.org](mailto:hrcpresidency@un.org)

Excellency Ms. Tichy-Fisslberger,

We write on behalf of [GQUAL](#), a global campaign launched in 2015 and aimed at achieving gender parity in the composition of international tribunals and monitoring bodies. The Campaign's focus is to ensure the consideration of gender parity in national and international selection procedures, and to disseminate timely information on vacancies, as well as new research on the impact and role of women in international justice. The Campaign is founded on the shared understanding that for reasons of equality, the impact of women's participation in expanding the talent pool, the legitimacy of international bodies, and the impact on sustainable development and peace, it is critical to have women engaged in international fora.

Through this letter, we wish to respectfully submit our contribution to the consultations conducted by your Excellency on the process of drafting "Methods of Work of the Consultative Group of the Human Rights Council" as envisaged in Human Rights Council Decision 43/117.

In this regard, the GQUAL Campaign has closely followed the methods of work of the Consultative Group (GC) in electing Special Procedure mandate holders, with a view to monitoring the gender composition of the special procedures. Since 2017 GQUAL has sent communications to each composition of the Consultative Group, highlighting a number of concerns and making specific recommendations on measures the CG could take to ensure gender parity in the composition of the special procedures. In particular, we have called on the CG to adopt Gender Parity Guidelines.

Currently the Special Procedures are far from reflecting gender parity in their composition. There are currently 44 thematic mandates and 12 country mandates. Six thematic mandates are held by a Working Group, for a total of 30 positions, of which 15 are held by women (however 5 of these positions are the five positions of the Working Group on Discrimination Against Women, which are all held by women). Six thematic mandates are held by an Independent Expert, three of which are women. There are 32 Special Rapporteurs with thematic mandates, only 14 of which are women (43.75%).

Further, some special mandates have never been held by a woman. In particular, among the individual mandates (Special Rapporteurs and Independent Experts), there are 11 mandates that have never been held by a woman, including the Special Rapporteur on torture and other inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and the Special Rapporteur on the right to development, among others.

As such, the GQUAL Campaign wishes to make the following recommendations:

1. The composition of the Consultative Group must be gender-balanced

We note with concern that the current draft “methods of work of the Consultative Group of the Human Rights Council” (“draft methods of work”) does not require gender diversity among the members that integrate the CG.

Despite the important role the Consultative Group plays in the selection of special mandate-holders, the CG is not always gender-balanced. Out of the 13 compositions of the CG since 2007, three of them did not include any women; seven of them only included one woman out of its five members; three of them (including the current composition) included two woman and three men; and only one of them included more women than men (i.e., three women and two men).<sup>1</sup>

Thus, we recommend that the methods of work of the Consultative Group require the Regional Groups to consider gender balance when appointing members to the CG.

Additionally, while it is beyond the scope of HRC Decision 43/117, we consider that gender parity should also be a goal for the Presidency of the HRC. As such States could consider gender alternation when appointing the HRC Presidency.

2. Call for application for election of Special Procedure mandate holders

We note that the current draft methods of work does not make reference to gender diversity when addressing the role of the Consultative Group in publishing and sending calls for applications in relation to Special Procedure vacancies.

Yet, as recognized by the CG in its legacy letter of 1 April 2020, ensuring gender representation remains a worrying challenge. The Group noted that in relation to the 13 available vacancies of Special Procedure mandates that were elected during the 42<sup>nd</sup> and 43<sup>rd</sup> sessions of the HRC, only 51 women applied, slightly more than half the number of male applicants (92).

In order to address the lack of applications by women, we consider that the CG should take a stronger role in encouraging relevant stakeholders (States, national human rights institutions, networks, human rights organization, academia, etc.) to disseminate the call for applications.

Further, the Consultative Group should explicitly include language in the call for applications encouraging women to apply. In relation to Special Procedures that have never been held by women, the CG could note in the call for applications that it will give priority to the selection of a woman when similarly qualified candidates are competing for the appointment.

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<sup>1</sup> See OHCHR, “Consultative Group (former and current membership per term)”, available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx>.

Additionally, the CG (together with the OHCHR) should compile data and research on the causes that result in the lack of applications by women to the Special Procedures, with a view to overcoming those obstacles. Research conducted by the GQUAL Campaign shows that in some cases, women mandate holders have expressed difficulties to carry out the mandate due to the lack of financial support and the absence of measures to ensure the compatibility of the mandate with family obligations.<sup>2</sup> We note with concern that the lack of these measures has a disproportionate impact on single parents, and specially on single mothers.

Finally, we note that in its legacy letter of 1 April 2020 the CG highly recommended that “all those concerned, including regional groups and States, deploy additional efforts towards attracting highly qualified candidates in particular from women and from the regions with less applicants”. We strongly support such recommendation and believe that through the measures outlined above the CG would contribute to achieving that goal.

### 3. Extension of the deadline for applications

We note that the current draft methods of work does not make reference to the lack of women applicants as a reason to extend the deadline for applications.

Thus, we highly recommend including explicit language by which the CG commits to extending the deadline for applications when there is an insufficient pool of women candidates, especially in relation to the election of Special Procedures that have never been held by women.

### 4. Information provided by the Secretariat

The current draft methods of work indicates that “the Secretariat shall prepare, maintain, regularly update and publish on its website, disaggregated statistics on current mandate holders”. We respectfully submit that these statistics must contain current and historical data showing the gender composition of each Special Procedure.

Additionally, we recommend that the methods of work require the CG to provide information (at the end of each mandate) on the number of men and women shortlisted, interviewed and recommended for each vacancy of the Special Procedures.

### 5. Adoption of “Guidelines on Gender Parity”

Consistent with letters previously sent to the Consultative Group, the GQUAL Campaign strongly recommends that the methods of work of the Consultative Group require it to officially adopt “Guidelines on Gender Parity,” similar to those adopted by the Consultative Group in 2015.

The data compiled by the GQUAL Campaign shows that progress in gender parity does not preclude the possibility of regression. Therefore, the Guidelines would be an internal (but public) policy that guides the selection process of mandate holders, so that gender balance is not only achieved in a specific election cycle but also sustained in the longer term.

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<sup>2</sup> GQUAL Report on regional consultations on the development of Guidelines on Current Levels of Representation of Women in Human Rights Bodies and Mechanisms, 15 July 2020. On file.

In June 2015, the Consultative Group 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 on the working methods of the CG 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>nd</sup> and 43<sup>rd</sup> 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 1 April 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.

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.

Measures such as the one taken by the current 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 hope the information provided in this document will be useful to inform the work of the HRC Presidency in proposing the Consultative Group's working methods. We remain available to provide additional information if needed.

Sincerely,

**The GQUAL Secretariat**

Viviana Krsticevic

Maria Noel Leoni

Claudia Martin

Alexandra McAnarney

Alejandra Vicente