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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 four Special Procedure mandate holders at the Human Rights Council's 35<sup>th</sup> regular session.<sup>1</sup>

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.<sup>2</sup> 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

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<sup>1</sup> Independent Expert on human rights and international solidarity, Special Rapporteur on minority issues, Special Rapporteur on the human rights of migrants, and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

<sup>2</sup> 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/IE\\_SOGI\\_Criteria.pdf](http://ilga.org/downloads/IE_SOGI_Criteria.pdf)

with the responsibilities 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.

Urgent consideration should be given to **gender diversity**. We consider that “Guidelines on Gender Parity” for the selection process of mandate holders are an important tool for the Consultative Group and we encourage you to revisit these and to consult on the new draft guidelines.<sup>3</sup> In addition, due consideration should be given to equitable **geographic representation**, and to an appropriate **representation of experts of different legal and social systems**.

Yours sincerely,

Amnesty International

Alkarama Foundation

GQUAL Campaign

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

International Service for Human Rights (ISHR)

World Organization against Torture (OMCT)

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<sup>3</sup> Such as those adopted by the Consultative Group in December 2015, available on the HRC extranet:

<https://extranet.ohchr.org/sites/hrc/PresidencyBureau/BureauRegionalGroupsCorrespondence/Corresp2014DL/CG%20letter%20for%20extranet.pdf>

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

### **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.