

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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United Nations: States urged to nominate independent, qualified candidates for the Committee on Economic, Social and Cultural Rights

Amnesty International calls on all states parties to the International Covenant on Economic, Social and Cultural Rights (the Covenant) to make every effort to identify, nominate and vote for independent and highly qualified candidates for election to the Committee on Economic, Social and Cultural Rights (the Committee) and to ensure that the election process is transparent.

The term of 9 of the 18 members of the Committee expires on 31 December 2010. The election of new members to the Committee will take place by secret ballot in the Economic and Social Council (ECOSOC) in April 2010. States parties to the Covenant have been invited to nominate candidates for election by the end of January 2010. There is nothing under the established rules to limit the number of terms members can serve on this Committee, and members whose terms is about to expire may be re-elected. Amnesty International nevertheless encourages a regular change in membership to bring in new experts who have different backgrounds, knowledge, skills and expertise.

As with all of the other UN treaty monitoring bodies, the effectiveness and credibility of this Committee depends on the election of individuals who are both experts in this field and who are independent. It is critical, therefore, that states can choose the best candidate for the position from a list of possible nominees.

The election of individuals serving within the executive of a government is too common an occurrence in these bodies of independent experts. In 2008, a joint meeting of the treaty bodies called on states to safeguard the independence of members by refraining from nominating and electing individuals performing political functions or occupying positions which are not readily reconcilable with the obligations of being an independent member of a treaty body.

The fact that a government official is appointed to sit on a Committee to scrutinize another government's human rights record risks undermining both the scrutiny and the credibility of the Committee. Amnesty International is keen to see states parties nominate a wide range of candidates for election, who are experts in the field of economic, social and cultural rights, and who are also independent. Amnesty International is also calling on states parties to nominate women that meet these criteria, since currently only three of the 18 Committee members are women.

In the interest of ensuring that the Committee membership includes a broad range of expertise and experience, it is important that there be a large pool of highly qualified candidates from which to choose. Hence, Amnesty International believes that there should be at least two candidates for each vacant position on the Committee. The national process for attracting and selecting candidates must be open, transparent and fair.

Amnesty International therefore calls on each States Party to the Covenant to:

- Nominate a candidate of the highest calibre, who is impartial and independent, taking full account of the criteria established in ECOSOC resolution 1985/17. States should nominate candidates with practical experience in human rights and a high degree of expertise relevant to the work of the Committee;
- Establish a widely publicized open and inclusive national selection process to identify candidates;
- Encourage civil society organizations to contribute to the nomination procedure, particularly to assist states in obtaining applications from highly qualified candidates and providing information on how the applicants meet the criteria.
- Refrain from nominating candidates who hold a position within the executive of government.
- Bear in mind the need for gender balance in the Committee's composition when nominating and electing candidates.

Also, Amnesty International calls on each ECOSOC member states to:

- Vote only for candidates that meet the highest standards of expertise, skill, independence and commitment to the promotion and protection of human rights.
- Refrain from nominating candidates who hold a position within the executive of government.
- Bear in mind the need for gender balance and broad geographical representation in the Committee's composition when voting for candidates.

Amnesty International takes no position for or against individuals nominated or elected to serve as members of independent international bodies.

Background

The International Covenant on Economic, Social and Cultural Rights was adopted by the UN General Assembly in 1966 and entered into force in 1976. It currently has 160 states parties.

The ICESCR did not provide for the creation of a committee to oversee its implementation like the other principal human rights treaties. Instead, the Economic and Social Council (ECOSOC) was given the general mandate to monitor the implementation of the Covenant by states parties through the examination of periodic reports. In 1978 ECOSOC established a sessional working group to assist in this task, which in 1985 became the Committee on Economic, Social and Cultural Rights. The Committee carries out the same functions as the other UN human rights treaty monitoring bodies, but differs in that it reports to - and its members are elected by - ECOSOC.

The Committee is composed of 18 experts, elected according to the criteria established by ECOSOC Resolution 1985/17, stipulating that committee members shall be experts with recognized competence in the field of human rights, that they shall serve in their personal capacity, and that due consideration shall be given to equitable geographical distribution and to the representation of different forms of social and legal systems.

Committee members are elected for a period of four years, they can be re-elected once their term is up, and – unlike in the case of treaty monitoring bodies established by recently drafted international human rights treaties – there are no limits on the number of terms they can serve on

the Committee. The term of the following 9 members will expire on 31 December 2010: Clement Atanga (Cameroon); Virginia Bonoan-Dandan (Philippines); Maria Virginia Bras Gomes (Portugal) ; Chandrashekhar Dasgupta (India); Azzouz Kerdoun (Algeria); Yuri Kolosov (Russian Federation); Jaime Marchan Romero (Ecuador); Eibe Riedel (Germany); and Alvaro Tirado Mejia (Colombia).

Seats on the Committee are allocated on the basis of UN regional groupings with fifteen seats equally distributed among the regional groups, and the additional three seats allocated in accordance with total number of states parties per regional group. This means that elections will take place for at least one member coming from each UN regional group: Africa, Asia, Eastern European, Latin American and Caribbean States (GRULAC), and the Western and Other Group (WEOG).

During the last elections to the Committee in 2008, only 13 candidates were nominated for nine positions, two of whom were subsequently withdrawn. Because of the geographical breakdown within the Committee, this meant that ECOSOC only voted on the four candidates nominated for two seats which are held by the African region. The remaining seven seats on the Committee were filled without a vote as only one candidate had been nominated for each seat. This denied states parties any possibility of assessing the qualifications of candidates, selecting the best ones for the vacant positions. Furthermore, the candidates elected included one serving government minister.

The election of new members to the Committee takes place by secret ballot through the 54-member ECOSOC. Elections are scheduled to take place in April 2010. All states parties to the Covenant are invited to nominate candidates for the election of new members. It should be noted that nationals from the following states will remain on the Committee until their terms expire in 2012: Belarus, China, Costa Rica, Egypt, France, Jordan, Mauritius, the Netherlands and Poland. While there is nothing in ECOSOC Resolution 1985/17 to prevent these states parties from putting forward another candidate, it has not been the practice of this Committee to have more than one national from a particular states party among its members. The deadline for states parties to nominate candidates will be in January 2010.

For additional information, please contact the UN mechanisms team in the International Law and Organizations Program by emailing unmechanisms@amnesty.org.

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