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UN Human Rights Council Special Procedures Selection: Second Chance to Get it Right Must Not be Missed

In June 2008, the President of the United Nations Human Rights Council (the Council) is expected to appoint up to six more human rights experts to serve as Special Procedures mandate-holders.

The system of Special Procedures is central to the credibility and effectiveness of the Council. The appointment of independent, impartial, competent and expert men and women from all regions of the world is essential to ensuring a well-functioning system of Special Procedures. Amnesty International reaffirms its belief that the selection procedure contained in Council resolution 5/1 (resolution 5/1) can, if applied faithfully, lead to the appointment of a highly-qualified person with the appropriate expertise and experience to every vacant mandate.

Transparency and a clear division of labour among the Consultative Group, the President and the Council underpin the selection process in Chapter II A of resolution 5/1. Regrettably, there have been repeated efforts from some quarters to undermine these principles. Shortcomings in the 7 February 2008 Consultative Group's report to the President have contributed to those efforts. The paucity of information on the process and recommendations in that report stood in stark contrast to the expectations raised in the letter and spirit of resolution 5/1 and to the efforts of all stakeholders to set up and contribute to an effective selection process.

In line with the provisions of Chapter II A of resolution 5/1, Amnesty International urges the following in the selection of the mandate-holders:

- Member and observer states of the Council promote the public list of eligible candidates and the nomination of women and men of the highest standards of expertise, relevant experience, independence, impartiality, personal integrity, and objectivity; particular attention should be paid to promote candidacies of women, given their current underrepresentation on the public list;
- The Consultative Group consult with stakeholders, and in particular the current or outgoing mandate-holders, to determine the necessary expertise, experience, skills, and other relevant requirements for each mandate to be filled; the Consultative Group should determine such requirements before proceeding to review the list of experts on the public list to make suggestions to the President;
- The Consultative Group ensure that it recommends to the President a list of candidates for each vacancy;
- The Consultative Group's public report to the President contain specific information on its meetings, the consultations held, and the process followed by the Group to recommend candidates for each vacancy, including the particular requirements used as a basis to select candidates;
- The Consultative Group's public report substantiate its recommendations to the President, in particular by describing how the candidates proposed meet the general criteria for mandate-holders (expertise, experience, independence, impartiality,

- personal integrity and objectivity) and the specific criteria for each mandate to be filled;
- The Consultative Group ensure that it proposes a list of candidates that includes men and women sufficiently representative of diverse geographic origin and legal backgrounds to ensure that the President can give due consideration to overall gender balance, equitable geographic representation and appropriate representation of different legal systems across *all* existing Special Procedures mandates.

Amnesty International acknowledges the substantial contribution of members of the Consultative Group to the Council's efforts to make the new Special Procedures selection process work well. The organisation encourages them to build on this contribution through the faithful application of the letter and the spirit of Chapter II A of resolution 5/1 as they elaborate the list of candidates for appointment in June 2008.

Amnesty International focuses its comments on the process of selection and appointment of Special Procedures mandate-holders. In keeping with long-established policy, the organisation does not take a position in favour of or against any candidate or mandate holder.

Background information

On 26 March 2008, the Council will consider the approval of the 14 Special Procedures mandate-holders appointed by the Council's President on the basis of the recommendations contained in the 7 February 2008 Consultative Group's report and of intense consultations with members and observers of the Council. Amnesty International also acknowledge the important contributions of the Council's President, the Council's Secretariat, those mandate holders who elaborated mandate specific criteria and members and observers of the Council to the making of the appointments on 26 March.

In June 2008, the President of the Council is expected to appoint up to 6 human rights experts to serve as Special Procedures mandate-holders. These include a member of the Working Group on peoples of African Descent, the Asian member of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to everyone on the enjoyment of the highest attainable standards of physical and mental health, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on trafficking in persons, especially in women and children. The vacancy list for the June appointments to the Special Procedures is available at the Office of High Commissioner for Human Rights (OHCHR) website at: <http://www2.ohchr.org/english/bodies/chr/special/nominations.htm>). More appointments are expected to be made at future sessions of the Council.

The new appointment process, established in resolution 5/1 of 18 June 2007 has several stages. The basis of the appointment process is a public list of eligible candidates, reflecting technical and objective requirements, to be prepared, administered and regularly updated by the OHCHR. Resolution 5/1 sets out general criteria for nominating, selecting and appointing mandate-holders. It calls for eligible candidates for appointment as Special Procedures to have demonstrated expertise, relevant experience, independence, impartiality, personal integrity and objectivity. These criteria are to be reflected in the "technical and objective requirements for eligible candidates" to have their name placed on the roster and in the determination of specific requirements for individual mandates by the Consultative Group. The first set of requirements were adopted by the Council at its sixth session in September 2007 in decision 6/102, part C, "Technical and objective requirements for eligible candidates for mandate holders". In determining the second set of requirements, i.e. the necessary expertise, experience, skills, and other relevant requirements for each mandate, resolution 5/1 calls on the Consultative Group to take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders. Resolution 5/1 also requires that all the Consultative Group's recommendations to the President be public and substantiated. On the

basis of the recommendations of the consultative group and following broad consultations, in particular through the regional coordinators, the President of the Council is to identify an appropriate candidate for each vacancy and to present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments. The appointment of the mandate-holders is completed upon the approval by the Council of the President's appointments. (See: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/141/13/PDF/G0714113.pdf?OpenElementat> pages 53-54, pars. 39-53.)

The Consultative Group consists of Ambassadors Idriss Jazaïry, Juan Martabit, Masood Khan, Valery Loshchinin and Blaise Godet. Although they are respectively the Geneva United Nations Ambassadors of Algeria (African Group), Chile (GRULAC), Pakistan (Asian Group), Russian Federation (Eastern European Group) and Switzerland (Western European and Others Group), they serve on the Consultative Group in their personal capacities.

For more information, see the Amnesty International webpage on the appointment of Special Procedures mandate-holders: <http://www.amnesty.org/en/united-nations/special-procedures/find-the-experts>