



Proposed criteria for selection & appointment of a new mandate holder on the situation of human rights defenders: Amnesty International, International Service for Human Rights and others joint written statement¹ to the 24th session of the UN Human Rights Council (9 – 27 September 2013)

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Summary

- In **March 2014**, the President of the UN Human Rights Council (the Council) will appoint a new **Special Rapporteur on the situation of human rights defenders**.
- This UN expert on the situation of human rights defenders will serve two terms of three years each.
- Candidates must have the required expertise and experience in the field of the mandate, must be independent and impartial and show a high level of personal integrity and objectivity.
- The following actors may nominate candidates:
 - Governments;
 - Regional Groups;
 - International organisations (e.g. OHCHR);
 - Non-governmental organisations (NGOs);
 - National human rights institutions (NHRIs) in compliance with Paris Principles;
 - Other human rights bodies & individuals.
- **Individual candidates and candidates nominated by entities shall submit an application for each specific mandate**, together with personal data and a motivation letter no longer than 600 words. OHCHR will prepare a public list of candidates who applied for each vacancy.
- Applications open in early September, and the deadline (to be confirmed) will be in early October.²

This document is part of a series of criteria developed for vacant positions as special procedures mandate holders. Its intention is to support all stakeholders in the identification of and outreach to highly qualified and independent candidates for vacant positions. States may also use the document to strengthen national consultations processes for the identification of suitable candidates.

¹ Joint written statement submitted by Amnesty International, International Service for Human Rights, Action Canada for Population and Development, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Centro de Estudios Legales y Sociales (CELS) Asociación Civil, Commonwealth Human Rights Initiative, Conectas Direitos Humanos, East and Horn of Africa Human Rights Defenders Project, Groupe des ONG pour la Convention relative aux droits de l'enfant, Human Rights House Foundation, International Commission of Jurists, International Federation for Human Rights Leagues, International Rehabilitation Council for Torture Victims and World Organisation Against Torture, non-governmental organizations in special consultative status.

CIVICUS - World Alliance for Citizen Participation, non-governmental organizations in general consultative status. African Centre for Democracy and Human Rights Studies, African Democracy Forum, Alkarama Foundation, Arc International Coalition of African Lesbians, Egyptian Initiative for Personal Rights, Nazra for Feminist Studies, Peace Brigades International, Protection International, West African Human Rights Defenders Network NGO(s) without consultative status, also share the views expressed in this statement.

² See the OHCHR web site at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

It is also intended as a checklist that can be used by the Council's Consultative Group and the President of the Human Rights Council to ensure that only highly qualified and independent candidates are considered and appointed.

Background

The International Service for Human Rights (ISHR) and Amnesty International submit this joint written statement on behalf of the signatories.

The signatory organisations call on Governments, NGOs and others, including relevant professional networks, to use this checklist to identify eligible candidates for the upcoming vacancy for the Special Rapporteur on the situation of human rights defenders. We urge Governments to consult civil society and to disseminate the vacancy widely, eg. through media advertisement, so as to encourage candidates to apply for this vacancy.

All applicants must submit an application for each specific mandate through the OHCHR online application system, available at <http://bit.ly/1aUbKJO> from early September 2013. OHCHR prepares a public list of candidates who applied for each vacancy.

Prospective mandate holders should be aware that this is a voluntary, unpaid role. They would not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of 'experts on mission'. It will require a substantial time commitment from the individual, including readiness to travel and respond to urgent situations, as explained in the checklist.

Checklist for selection of candidates for mandate of Special Rapporteur on the situation of human rights defenders

FORMAL CRITERIA

According to Human Rights Council resolution 5/1, Annex, the following general criteria will be of paramount importance while nominating, selecting and appointing mandate-holders:

- (a) Expertise;
- (b) Experience in the field of the mandate;
- (c) Independence;
- (d) Impartiality;
- (e) Personal integrity;
- (f) Objectivity.

Due consideration should be given to gender balance and equitable geographic representation, and to an appropriate representation of different legal systems. Eligible candidates should be highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights (paras. 39-41).

INDEPENDENCE

According to Council *Resolution 5/1*, 'individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.'

At a minimum, this requires independence of prospective mandate holders from the executive of governments or from intergovernmental organisations, which may be the subject of a communication or mission within the terms of the mandate.

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.

QUALIFICATIONS & EXPERTISE

In its Decision 6/102 of 27 September 2007, the Council approved technical and objective requirements for candidates eligible for special procedures mandates.

The following checklist is intended as an interpretive aid for those requirements:

1. Qualifications (and skills): relevant educational qualifications or equivalent professional experience in the field of human rights.

Checklist:

- A post-graduate university degree or equivalent in law, social sciences or in a discipline directly related to the mandate, preferably with a focus on international human rights law, would be highly desirable;
- 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 – knowledge of other widely-used or official UN languages, such as Arabic, Chinese or Russian, would be an asset);
- Extensive experience in public speaking (for example in expert seminars) and in communicating at senior levels with governments, UN officials, the business community, the media and other relevant stakeholders.

2. Relevant expertise: knowledge of international human rights instruments and standards; 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;
- Several years of progressively responsible work experience in the field of human rights or as a human rights defender, including in human rights research, monitoring, reporting, investigating and advocacy;
- Excellent knowledge of the international and regional legal frameworks and case law relevant to the promotion and protection of the rights of human rights defenders, including on freedom of expression, freedom of peaceful assembly and association, torture, extrajudicial, summary or arbitrary executions, and enforced or involuntary disappearances;
- Excellent knowledge of institutional mandates of the United Nations or other international or regional organisations in the area of human rights.

3. Established competence: nationally, regionally or internationally recognised competence related to human rights.

Checklist:

- A demonstrated commitment to universal human rights law, standards and values;
- Excellent knowledge and expertise of the work of human rights defenders, and the recent trends, developments and challenges they face;
- Experience at national, regional and/or international level in developing legislation and policy for the protection of human rights defenders and in creating an enabling environment for their work;
- Extensive experience with and proven commitment to working and/or interacting with civil society and in interacting with individuals whose human rights may have been violated or restricted as a result of their work of defending rights;

- Proven awareness of the particular risks faced by and particular protection needs of specific groups of human rights defenders, such as women human rights defenders, defenders working on sexual orientation and gender identity issues, ethnic and religious minorities, non-nationals, members of political opposition groups, people in a disadvantaged socio-economic situation, journalists and media workers and youth/children human rights defenders;
- Experience in interacting with actors impacting the work of human rights defenders, such as:
 - Security forces
 - Armed groups; and
 - Transnational corporations and other business enterprises.
- Experience in the development and delivery of human rights and rule of law assistance/capacity building, including the training of law enforcement and legal professionals and other officials responsible for the protection of human rights defenders;
- The ability to conduct both academic and field research required, and experience in carrying out fact-finding missions.

4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including conducting visits, preparing reports and attending Human Rights Council and General Assembly sessions.

Checklist:

- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices affecting human rights defenders and their work;
- Energy, determination and vision to promote the effective and comprehensive implementation of the Declaration on human rights defenders;
- A commitment to uphold the integrity, independence and impartiality of the Special Rapporteur's mandate and the special procedures system as a whole;
- 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 the General Assembly (such as the annual thematic report, and country mission and follow-up reports), attending seminars and other UN meetings and acting on individual cases of violations of the rights of human rights defenders;
- Willingness and ability to act urgently when cases or situations so require.

APPOINTMENT PROCEDURE

Details and formalities about the nomination, selection and appointment of mandate holders are explained on the OHCHR Web site at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>. Applications have to be submitted through an online system, which will be made available on the above Web site (expected for early September, with a deadline in early October 2013).

In short, it consists of an application submitted by the candidate, followed by a shortlisting by a group of state representatives (the 'Consultative Group'). Based on the shortlist, the President of Human Rights Council will appoint mandate holders at the end of each Human Rights Council session, and the Council will endorse her/his choice.

The documents required to apply online are:

- Personal information (web based survey).
- Application form.
- Motivation letter (no longer than 600 words).
- Curriculum Vitae.