

## **PROPOSED CRITERIA FOR SELECTION AND APPOINTMENT OF A NEW MANDATE HOLDER ON THE SITUATION OF HUMAN RIGHTS DEFENDERS**

This document is part of a series of criteria developed for vacant positions of Special Procedures mandate holders, and **is endorsed by 131 organisations working internationally (41), regionally (12) and nationally (78)** (see end of document for full list). Its intention is to support all stakeholders in the identification of and outreach to highly qualified and independent candidates for the mandate of Special Rapporteur on the situation of human rights defenders, to be appointed by the Human Rights Council in March 2020.

The mandate of the Special Rapporteur on the situation of human rights defenders plays a key role in the recognition and protection of those who promote and defend human rights. These individuals, organisations and groups often face serious challenges and risks as a result of their human rights work, and the mandate seeks to promote the creation of a safe and enabling environment for human rights defenders around the world. It does this in many ways, such as by promoting the Declaration on human rights defenders; studying trends, developments and challenges faced by human rights defenders, including those with specific protection needs; recommending concrete and effective strategies to increase protection; and seeking, receiving and examining information on individual cases. The mandate engages with a wide variety of stakeholders, collaborating particularly closely with States and human rights defenders themselves.

For example, Special Rapporteurs on the situation of human rights defenders have visited dozens of countries in all regions to examine the situation of human rights defenders on the ground and make recommendations to strengthen their protection; investigated the situation and protection needs of groups of defenders particularly at risk, most recently looking at women human rights defenders, environmental defenders, and people on the move; examined thematic issues in depth, such as the elements necessary to create a safe and enabling environment for human rights defenders; and raised thousands of cases of alleged human rights violations against human rights defenders around the globe.

The appointment of independent, impartial, competent and expert persons from all regions of the world as mandate holders 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. This document provides information on the application process for candidates for the position of Special Rapporteur on the situation of human rights defenders, formal criteria for selection of a mandate holder, and a checklist of criteria intended as an interpretive aid for those criteria.

States may use the document to strengthen national consultations processes for the identification of suitable candidates. It is also intended as a checklist that can be used by the Human Rights Council's Consultative Group and the President of the Council to ensure that only highly qualified and independent candidates are considered and appointed.

The signatory organisations call on Governments, NGOs and others, including relevant professional networks, to use this checklist of criteria 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 human rights defenders in their countries, and to disseminate the vacancy widely so as to encourage candidates to apply for this vacancy.

In particular, **we encourage nominations of human rights defenders from marginalised groups or from communities and identities that are under-represented** among Special Procedures mandate holders, including women and gender diverse persons.

### **APPLICATION PROCESS**

The Human Rights Council will appoint a new Special Rapporteur on the situation of human rights defenders in March 2020, following the end of the second term of Michel Forst. The new mandate holder will serve a term of three years, which can be renewed once, and the following stakeholders may nominate candidates:

- Governments;
- Regional Groups;
- International organisations (e.g. the Office of the High Commissioner for Human Rights (OHCHR));
- Non-governmental organisations (NGOs);
- National human rights institutions (NHRIs) in compliance with Paris Principles;
- Other human rights bodies;
- Individuals.

All candidates must submit an application through the OHCHR online application system, together with personal data, curriculum vitae and a motivation letter. OHCHR will prepare a public list of candidates who applied for each vacancy.

The Council's Consultative Group (currently composed of the Ambassadors of the Permanent Missions to the UN of Djibouti, Ecuador, Iraq, Italy and the Republic of Moldova), will prepare a shortlist of candidates to be interviewed. Following the interviews, the Consultative Group will send a letter to the President of the Human Rights Council setting out their top three candidates in order of preference.

At the 43<sup>rd</sup> session of the Human Rights Council, the President will communicate the candidate the President has selected, bearing in mind the overall geographic and gender balance among all Special Procedures mandate holders. At the end of that Council session, the Council will endorse the President's selected candidate.

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 below.

**Details and formalities about the nomination, selection and appointment of mandate holders are explained on the OHCHR website [here](#). Applications have to be submitted through an online system, which is available [here](#), with a deadline of 17 October 2019 (12 NOON GREENWICH MEAN TIME / GMT).**

### **CRITERIA FOR SELECTION OF CANDIDATES FOR MANDATE OF SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS**

Human Rights Council resolution 5/1 sets out the formal criteria that are 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; and
- (f) objectivity.'

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 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. In particular, we consider that there should be a minimum of a two-year period between when an individual leaves a position in Government and when they may be considered as a candidate for the position of a mandate holder.

Human Rights Council decision 6/102 establishes four technical and objective requirements to be considered in the selection of Special Procedures mandate-holders:

1. qualifications,
2. relevant expertise,
3. established competence and
4. flexibility/readiness and availability of time.

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

We consider it paramount that this selection process give continued consideration to diversity, of all kinds. Human rights defenders who are most at risk around the world are often persons with discriminated identities or from communities that are marginalised. Consequently, the Special Rapporteur on the situation of human rights defenders should be able to consider the particular contexts and challenges faced by these individuals and groups with the benefit of insights from the mandate holder's personal experience. We encourage that the Consultative Group give special consideration to candidates from communities or identities that are underrepresented among special procedures mandate holders.

The attached checklist is intended as an interpretive aid for those requirements.

## **CHECKLIST FOR SELECTION OF CANDIDATES FOR MANDATE OF SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS**

### **1. QUALIFICATIONS (AND SKILLS): RELEVANT EDUCATIONAL QUALIFICATIONS AND EQUIVALENT PROFESSIONAL EXPERIENCE IN THE FIELD OF HUMAN RIGHTS.**

Checklist:

- Demonstrated experience addressing issues relevant to the mandate, from a human rights perspective (for example through lived experience and practice, academic publications, studies, reports, research papers or any similar written material demonstrating in-depth knowledge);
- Extensive experience in public speaking (for example in expert seminars) as well as in communicating and/or working together with relevant stakeholders, including senior government officials, the diplomatic corps, intergovernmental organisations, national human rights institutions, NGOs, human rights defenders and victims of human rights violations, businesses, media and other non-state actors;
- A university degree, or equivalent in experience, in a discipline directly related to the mandate, preferably with a focus on international human rights law, would be highly desirable;
- 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 also be an asset);

### **2. 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, including through the lens of non-discrimination and equality, and their application for the promotion and protection for human rights defenders and their work;
- 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, including case law relevant to the promotion and protection of the rights of human rights defenders, including on the rights to freedom of expression, peaceful assembly and association, torture and other ill-treatment, extrajudicial, summary or arbitrary executions, and enforced or involuntary disappearances;
- Practical experience in promoting and protecting the rights of human rights defenders, including through a gender perspective;
- Excellent knowledge of institutional mandates of the United Nations and/or other international or regional human rights bodies.

### **3. ESTABLISHED COMPETENCE: NATIONALLY, REGIONALLY OR INTERNATIONALLY RECOGNISED COMPETENCE RELATED TO HUMAN RIGHTS.**

Checklist:

- A demonstrated commitment to human rights law and standards;
- Excellent knowledge and expertise of the work of human rights defenders, and of responding to recent trends, developments and challenges human rights defenders face;
- Recognized knowledge and experience of human rights-based academic and field research and/or fact-finding methodology, including carrying out fact-finding visits;
- Experience in applying international human rights standards, such as the Declaration on human rights defenders, in particular with a view to furthering the recognition and protection of human rights defenders and their work;
- Experience at national, regional and/or international level in developing legislation, policies and mechanisms for the protection of human rights defenders, including knowledge in developing comprehensive protection strategies that incorporate a collective, gender, ethnic and intersectional

perspective, and in creating a safe and enabling environment for their work, including addressing issues related to discrimination, threats, intimidation, reprisals, and impunity;

- Extensive experience with and proven commitment to working and/or interacting with civil society and individuals whose human rights may be at risk of, or who have experienced, among other, harassment, stigmatisation, smear campaigns, surveillance, criminalization, threats, intimidation, reprisals, violence or killings as a result of their work in defending human 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; ethnicity, religion or belief, minorities or people discriminated against based on work, decent or socio-economic status; non-nationals, migrants, refugees and internally displaced people; defenders working on environmental and land rights issues; members of political opposition groups; journalists and media workers; and youth/children human rights defenders;
- Knowledge of the particular challenges and risks facing human rights defenders in the digital age and proven awareness of the digital security needs of human rights defenders and strategies for protecting and promoting the exercise and defense of human rights online;
- Experience in interacting with actors impacting the work of human rights defenders, such as: governments and political groups; security forces; armed groups; companies, investors, international or regional financial institutions or development finance institutions; and religious groups and institutions.
- Experience in the development and delivery of assistance and capacity building in human rights and the rule of law, including as relevant to training of law enforcement officials, judges and other legal professionals and officials responsible for the protection of human rights defenders;
- Knowledge and sensitivity to the issue of reprisals or intimidation experienced by persons who interact with the mandate in any way.

#### **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 laws, policies, 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, including the protection of human rights defenders wherever they are at risk, and the promotion of a safe and enabling environment so that they can operate without fear of reprisals;
- Preparedness, 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 human rights violations committed against human rights defenders;
- Willingness and ability to act urgently on cases or situations requiring immediate attention;
- A demonstrated commitment to human rights in general, and a commitment to uphold the integrity, objectivity, discretion, independence and impartiality of the Special Rapporteur's mandate and the Special Procedures system as a whole.

## LIST OF SIGNATORIES

11.11.11. - The coalition of the Flemish North-South movement	International
ABEMO- WOMEN OF VISION	National
ACAT España-Catalunya	National
ACAT-Switzerland	National
Action Solidarité Tiers Monde (ASTM)	National
Agir Ensemble pour les Droits de l'Homme (AEDH)	National
Al-Haq	National
Aluna Acompañamiento Psicosocial, A.C.	National
Americans for Democracy & Human Rights in Bahrain	Regional
Amnesty International	International
Arisa	Regional
Article 19	International
Asia Pacific Forum on Women, Law and Development	Regional
Asian Forum for Human Rights and Development (FORUM-ASIA)	Regional
ASISTENCIA LEGAL POR LOS DERECHOS HUMANOS A. C (ASILEGAL)	National
Asistencia Legal por los Derechos Humanos, A.C.	National
ASOCIACION DE INVESTIGACION Y ESPECIALIZACION SOBRE TEMAS IBEROAMERICANOS	National
ASOCIACIÓN PRO DERECHOS HUMANOS - APRODEH	National
Asociacion Pro Derechos Humanos de España	National
Association for Progressive Communications (APC)	International
Association for the Prevention of Torture	International
Avocats Sans Frontières France	International
Balkan Civil Society Development Network BCSDN	Regional
Banglar Manabadhikar Suraksha Mancha (MASUM)	National
Bread for all	National
Broederlijk Delen	National
Buliisa Initiative for Rural Development Organisation (BIRUDO)	National
Buruea for Rights-Based Development (BRD)	National
Business & Human Rights Resource Centre	International
Cairo Institute for Human Rights Studies	Regional
Calala Fondo de Mujeres	International
Cambodian Center for Human Rights	National
Center for Civil Liberties	National
Centro de Derechos Humanos de la Montaña "Tlachinollan"	National
Centro de Derechos Humanos de las Mujeres (CEDEHM)	National
Centro de Derechos Humanos Fray Bartolomé de Las Casas, AC	National
Centro de Derechos Humanos Fray Matías de Córdoba	National
Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh)	National
Centro de derechos humanos Paso del Norte.	National
Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)	National
CENTRO DE INVESTIGACION Y EDUCACION POPULAR-CINEP	National
Centro Regional de Defensa de Derechos Humanos José Ma. Morelos y Pavón A. C	National
Chinese Human Rights Defenders (CHRD)	National

Christian Solidarity Worldwide (CSW)	International
CISV Onlus	National
CIVICUS: World Alliance for Citizen Participation	International
CNCD-11.11.11 (Centre National de Coopération au Développement)	National
COC Netherlands	National
Colectivo contra la Tortura y la Impunidad A.C.	National
Comisión Ciudadana de Derechos Humanos del Noroeste, A.C.	National
Comisión de Ayuda al Refugiado en Euskadi (CEAR-Euskadi)	National
Commission Justice et Paix	National
Community Resource Centre Foundation (CRC)	National
Conectas Direitos Humanos	National
Confederación Sindical de Comisiones Obreras (CS.CC.OO.)	National
Coordinadora Nacional de Derechos Humanos	National
Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)	National
Corporación Humanas	National
Crude Accountability	International
Defend International	International
DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)	Regional
Derecho, Ambiente y Recursos Naturales (DAR)	National
Diakonia	International
Human Rights Law Centre (HRLC)	National
FIAN INTERNATIONAL	International
Forum Syd	International
Free Press Unlimited	International
Freedom House	International
Front Line Defenders	International
Fund for Global Human Rights	International
Fundación Mundubat - Mundubat Fundazioa	International
Greek Helsinki Monitor	National
Green Advocates International (Liberia)	International
Greenpeace	International
Gulf Centre for Human Rights (GCHR)	Regional
Human Rights Association (Insan Haklari Derneği), IHD	National
Human Rights Center of Azerbaijan	National
Human Rights House Foundation (HRHF)	International
Humanist Union of Greece	National
ILGA World	International
IM Swedish Development Partner	International
IM-Defensoras	Regional
Indonesian Institute for Independent Judiciary	National
Instituto de Derecho Ambiental	National
International Dalit Solidarity Network	International
International Federation of ACAT (FIACAT)	International
International Service for Human Rights	International

Irish Council for Civil Liberties	National
Just Associates (JASS)	International
Karapatan Alliance Philippines Inc.	National
Latinamerikagrupperna/Solidaridad Suecia-América Latina (SAL)	National
MADA- Palestinian Center for Development and Media Freedoms	National
Media Rights Agenda	National
Medical Action Group, Inc.	National
Minority Rights Group - Greece	National
Movimento Católico Global pelo Clima-Brasil	National
Namibia Diverse Women's Association (NDWA)	National
Namibia Equality and Justice Alliance (NEJA)	National
National Coalition of Human Rights Defenders Kenya	National
National Council of Churches in the Philippines	National
NGO Forum on ADB	Regional
Odhikar	National
Oil-Workers' Rights Protection Organization Public Union	National
Open Briefing	International
Organisation Tchaienne Anti-Corruption (OTAC)	National
Oxfam International	Regional
Pakistan Labour Federation	National
Participatory Research Action Network- PRAN	National
Peace Brigades International	International
Peace with Dignity	International
People's Watch	National
Programme Against Custodial Torture & Impunity ( PACTI)	National
Protection International	International
Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos"	National
Réseau International des Droits Humains RIDH	International
Robert F Kennedy Human Rights	International
Servicios y Asesoría para la Paz A.C.	National
Society for International Development (SID)	International
SOS AFRICAINES EN DANGER	International
Southern Africa Litigation Centre	Regional
SweFOR	International
Syrian Center for media and freedom of expression - SCM	National
The Association for Freedom of Thought and Expression	National
Tibetan Centre for Human Rights and Democracy	International
Trocaire	International
Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala	National
Vigilance for Democracy and the Civic State	National
We Effect	National
Women Solidarity Namibia ( WSN)	National
World Organisation against Torture (OMCT)	International
Zambia Alliance for Agroecology and Biodiversity	National