

**Report of the Consultative Group to the President of the Human Rights Council
relating to the vacancies of mandate holders to be appointed
at the thirty-seventh session of the Human Rights Council**

**Part II: Special Rapporteur on the rights to freedom of peaceful assembly
and of association**

6 February 2018

I. Background

1. In paragraph 47 of the annex to its resolution 5/1, the Human Rights Council decided to establish a Consultative Group comprised of Permanent Representatives identified by Regional Groups and serving in their personal capacity. The Consultative Group is mandated by the Council to propose to the President a list of candidates who possess the highest qualifications for the mandate in question and meet the general criteria and particular requirements. Recommendations to the President of the Human Rights Council are required to be made public and substantiated pursuant to paragraph 50 of the annex to resolution 5/1.

2. The members of the Consultative Group for the selection of mandate holders to be appointed at the thirty-seventh session of the Human Rights Council (26 February - 23 March 2018) are: H.E. Mr. Hans Brattskar (Permanent Representative of Norway), H.E. Mr. Israhyananda Dhalladoo (Permanent Representative of Mauritius), H.E. Mr. Giampaolo Carmelo Rizzo Alvarado (Permanent Representative of Honduras), H.E. Mr. Amran Mohamed Zin (Permanent Representative of Malaysia) and H.E. Ms. Vesna Batistić Kos (Permanent Representative of Croatia) who assumed her functions as the Eastern European member of the Group on 28 June 2017. The working cycle of the current Consultative Group commenced on 1 April 2017 and will end on 31 March 2018, pursuant to paragraph 1(b) of Council decision 30/115.

3. A total of nine mandate holder vacancies are to be filled at the Council's thirty-seventh session as follows (listed in alphabetical order):

1. **Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Africa** [HRC resolution 33/25]
2. **Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from North America** [HRC resolution 33/25]
3. **Independent Expert on the promotion of a democratic and equitable international order** [HRC resolution 36/4]
4. **Independent Expert on the situation of human rights in Mali** [HRC resolution 34/39]
5. **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence** [HRC resolution 36/7]
6. **Special Rapporteur on the rights to freedom of peaceful assembly and of association** [HRC resolution 32/32]
7. **Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, member from African States** [HRC resolution 33/4]
8. **Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, member from Eastern European States** [HRC resolution 33/4]

9. Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, member from Latin American and Caribbean States [HRC resolution 33/4]

4. The present report contains the list of recommended candidates proposed by the Consultative Group to the President of the Council for the vacancy of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association which arose from the resignation in December 2017 of the mandate holder, Ms. Annalisa Ciampi (Italy), from her post.
5. This report should be read in conjunction with Part I of the report of the Consultative Group, dated 2 February 2018.¹

II. Process

6. The application period for the submission of applications for the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association was from 18 December 2017 to 23 January 2018.
7. The Consultative Group considered 43 individual applications from 43 eligible candidates submitted for the aforementioned specific vacancy in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications of eligible candidates were made public on the designated OHCHR web page² of special procedures as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 (see annex I of this report).
8. The Group noted that from the total number of 43 eligible candidates who applied within the deadline, 13 were women representing approximately 30 per cent of all applicants.
9. The Consultative Group followed the same process as for the vacancies covered in Part I of its report and reference is made to the relevant paragraphs under section II entitled “Process” of Part I of its report.
10. Based on the principled decision of the Consultative Group on the actual or perceived conflict of interest that may arise when a member of the Group has the same nationality as an eligible candidate, the Permanent Representative of Malaysia did not participate in the short listing of the candidates to be interviewed. In view of the fact that the Malaysian candidate was not shortlisted, the Permanent Representative took part in the interview process.
11. The Consultative Group held two formal meetings on 1 and 2 February 2018, chaired by the Permanent representative of Malaysia as per the agreement to equally share the chairing function on a rotational basis, to consider shortlisted candidates for this mandate. The Permanent Representative of Croatia did not participate in the interviews and assessment after the interviews due to a scheduling conflict.
12. The Group held a total of six interviews with six shortlisted candidates for the mandate (see annex II of this report). These interviews occurred on 1 and 2 February 2018, pursuant to paragraph 22 (c) of the annex to Human Rights Council resolution 16/21. Each candidate was asked similar questions based on the relevant provisions of Council resolution 5/1, decision 6/102, resolution 16/21 and the relevant Council resolutions establishing and renewing the specific mandate under consideration.

¹ Report of the Consultative Group (dated 2 February 2018, see http://www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC37/CGreport_HRC37_partI.pdf).

² <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC37.aspx>

13. Shortlisted candidates were able to request in advance and make use of interpretation in one of the six official languages of the United Nations during their telephone interviews, pursuant to the President's statement 29/1 of 3 July 2015.
14. As per paragraph 51 of the annex to Council resolution 5/1, the Consultative Group took note of the perspectives offered by stakeholders in determining the necessary expertise, experience, skills and other relevant requirements for the mandates in question.³
15. The decisions of the Consultative Group were taken by consensus.

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on the rights to freedom of peaceful assembly and of association

16. There were 43 eligible candidates for this vacancy. Of the six candidates interviewed, the Consultative Group decided to recommend the following three candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

1. Eileen CHAMBERLAIN DONAHOE (F) (United States of America)

2. Nyaletsossi Clément VOULE (M) (Togo)

3. Michael HAMILTON (M) United Kingdom of Great Britain and Northern Ireland

17. **Eileen Chamberlain Donahoe** is the Executive Director of the Global Digital Policy Incubator at the Center for Democracy Development and the Rule of Law at Stanford University (United States of America), where she has developed experience convening and leading multi-stakeholder collaborations focused on development of digital policies reinforcing human rights and democracy. She is a distinguished fellow at the Centre for International Governance Innovation, an independent think-tank based in Canada. Previously, she was the Director of Global Affairs at Human Rights Watch. She also served as Ambassador of the United States of America to the Human Rights Council for the period 2010-2013. During her tenure as multilateral diplomat, she helped to build cross-regional coalitions at the Human Rights Council, being a driving actor in the creation of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and throughout her career she has engaged with a variety of stakeholders including governments, mandate holders, private sector and civil society actors. She has researched, published and made public statements, including in media outlets, on the topic of human rights, democratic values and protecting privacy in the digital age. The Consultative Group noted her combined experience in multilateral diplomacy, human rights advocacy and academia as well as her stated commitment to a global multi-stakeholder approach to the implementation of the mandate. The Group also noted her clear understanding of the mandate and assessment of related-challenges as well as of her thoughtful vision on how to further advance the mandate.

18. **Nyaletsossi Clément Voule** is the Africa Advocacy Director and Programme Manager for States in Transition at the International Service for Human Rights in Geneva. His work focuses on international human rights advocacy at the United Nations and the African Commission on Human and Peoples' Rights (ACHPR), assisting human rights defenders to engage with United Nations and ACHPR mechanisms. As coordinator of the ACHPR Study Group on Freedom of Association and Assembly, he participated in the development of the Guidelines on Freedom of Association and Assembly in Africa, to assist states in the implementation of this right. He also serves as an expert member of the Working Group on Extractive Industries, Environment and Human Rights at the

³ As per paragraph 51 of the annex to Human Rights Council resolution 5/1. Joint letter from Amnesty International together with the International Federation for Human Rights, International Lesbian and Gay Association, International Service for Human Rights, World Organisation against Torture and Alkarama Foundation (dated 20 December 2017).

ACHPR, and has worked with States and human rights defenders to understand the impact of these industries on fundamental rights in Africa. In his current functions, he assists States to create an enabling and conducive environment for human rights work, through the adoption of laws and policies enhancing the protection of human rights defenders. The Consultative Group noted his expertise, in particular in the African context, as well as his experience in drawing legislative trends on freedom of association in democratic processes, including in the African region. The Group also acknowledge his willingness to bridge the gap between concerned stakeholders and in working closely with regional African related-mechanisms.

19. **Michael Hamilton** is Senior Lecturer in Public Protest Law and Director of Postgraduate Research at the University of East Anglia Law School in the United Kingdom of Great Britain and Northern Ireland. He is also a founding member and secretary of the Panel of Experts on Freedom of Assembly and Association at the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), for which he was the lead author of the OSCE/ODIHR – Venice Commission ‘Guidelines on Freedom of Peaceful Assembly’. He previously held academic posts at the Central European University and the University of Ulster. He has published and lectured widely on the issue of freedom of assembly and association, has engaged with United Nations human rights mechanisms including special procedures and has advised in relation to a number of amicus curiae interventions in freedom of assembly cases before the European Court of Human Rights. The Consultative Group noted his extensive internationally recognized legal expertise and long-standing commitment in the area of the mandate, and knowledge of the United Nations system and human rights mechanisms. It also noted his recent publications on the concept of impartiality in human rights work and his keenness to put his academic experience and networks at the service of the mandate.

IV. Overview of the cycle

20. This being the last report of the current Consultative Group before its mandate expires, the Group wishes to provide a brief overview of its workload during its term in office (1 April 2017 to 31 March 2018).

21. During its term, the Consultative Group dealt with a total of 21 vacancies for mandate holders (both special procedures and members of the Expert Mechanism on the Rights of Indigenous Peoples), out of which 17 mandates were initially foreseen, 3 additional mandates arose following the resignation of the current mandate holders⁴ and 1 thematic mandate was newly established by the Human Rights Council.⁵ Out of the total 21 vacancies, 4 related to the Working Group on the issue of discrimination against women in law and practice and 10 were regionally pre-determined⁶ as follows:

- | | |
|------------------------|---|
| - African States: | 3 |
| - Asia-Pacific States: | 1 |

⁴ The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Independent Expert on the situation of human rights in Mali and Special Rapporteur on the rights to freedom of peaceful assembly and of association.

⁵ The mandate of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members was created pursuant to the adoption of Council resolution 35/9 of 22 June 2017.

⁶ For Africa: EMRIP, Working Group of the use of mercenaries and Working Group on the issue of discrimination against women. For Asia-Pacific: Working Group on the issue of discrimination against women. For Eastern Europe: Working Group on the issue of discrimination against women and Working Group on the use of mercenaries. For Latin American and the Caribbean: Working Group on the use of mercenaries. For Western Europe and others: Working Group of Experts on People of African Descent, Working Group on the issue of discrimination against women and EMRIP.

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- Eastern European States: 2
 - Latin American and Caribbean States: 1
 - Western European and other States: 3

22. During their tenure, the members of the Consultative Group screened a total of 283 applications from 261 eligible candidates. Of the eligible candidates, 152 were men and 109 were women, representing approximately 41 per cent of the total of eligible candidates. All candidates represented 87 nationalities from all five regions. The breakdown was as follows:

- African States: 31
- Western European and other States: 19
- Eastern European States: 16
- Asia-Pacific States: 12
- Latin American and Caribbean States: 9
- Stateless: 1

23. The Group shortlisted and interviewed a total of 101 candidates and submitted 6 reports containing a total of 56 recommended candidates to the President of the Human Rights Council.

24. Out of the 20 outgoing mandate holders, 9 were men and 11 were women, representing approximately 55 per cent of the total of outgoing mandate holders. The breakdown by region was as follows:

- African States: 5
- Asia-Pacific States: 3
- Eastern European States: 3
- Latin American and Caribbean States: 2
- Western European and other States: 7

25. Out of the 21 candidates⁷ recommended by the Consultative Group to the President of the Human Rights Council as first in ranking, 9 were men and 12 women, with women representing 57 percent of the number of recommended candidates. The breakdown by region was as follows:

- African States: 6
- Asia Pacific States: 2
- Eastern European States: 2
- Latin American and Caribbean States: 3
- Western European and other States: 8

26. The CG held a total of 32 meetings, of which 4 with interpretation.

⁷ One of the candidates was for a new mandate, the one of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members (see above).

Annex I - List of eligible candidates considered by mandate⁸**Special Rapporteur on the rights to freedom of peaceful assembly and of association**

First name	Last name	Nationality	Gender
Antonios	ABOU KASM	Lebanon	M
Rita Martin Lopidia	ABRAHAM	South Sudan	F
Yaman	AKDENIZ	Turkey	M
Lilian	APOSTOL	Republic of Moldova	M
Ilias	BANTEKAS	Greece	M
Richard	BENNETT	New Zealand	M
Enrique	CARPIZO AGUILAR	Mexico	M
Fernando	CASADO	Venezuela (Bolivarian Republic of)	M
Eileen	CHAMBERLAIN DONAHOE	United States of America	F
Elsie	CHAMMAS EDDÉ	Lebanon	F
Lais	DE FIGUEIREDO LOPES	Brazil	F
Rafendi	DJAMIN	Indonesia	M
Saidou	DOGON GUIDA	Niger	M
Enokenwa Burnley	ENOKENWA	Cameroon	M
Nimalka	FERNANDO	Sri Lanka	F
Kathleen	FERRIER	Netherlands	F
Lorena	FRIES MONLEÓN	Chile	F
Mark	GIBNEY	United States of America	M
Alan	GRAF	United States of America	M
Luís Filipe	GUERRA	Portugal	M
Ziya	GULIYEV	Azerbaijan	M
Lee Mainga	HABASONDA	Zambia	M
Michael	HAMILTON	United Kingdom of Great Britain and Northern Ireland	M
Neil	JARMAN	United Kingdom of Great Britain and Northern Ireland	M
Anohar	JOHN	India	M
Mostafa Ali	KHMAJ	Libya	M
Andrew	KHOO	Malaysia	M
Mary	LAWLOR	Ireland	F
Khaled	MANSOUR	Egypt	M
Paula	MARTINS	Brazil	F

⁸ The list of candidates is provided in alphabetical order.

Conrado Hübner	MENDES	Brazil	M
Alice Bahumi	MOGWE	Botswana	F
Ucha	NANUASHVILI	Georgia	M
Ibrahim	NDAGIJIMANA	Rwanda	M
Serghei	OSTAF	Republic of Moldova	M
Frances	RADAY	United Kingdom of Great Britain and Northern Ireland	F
Kaajal	RAMJATHAN-KEOGH	South Africa	F
Victor	RODRÍGUEZ-RESCIA	Costa Rica	M
Mark	SIDEL	United States of America	M
Souvi	SIDI BATT	Mauritania	M
Henri	TIPHAGNE	India	M
Nyaletsossi Clément	VOULE	Togo	M
Philomena Talatu	ZAMANI	Nigeria	F

Annex II – List of shortlisted candidates interviewed by the Consultative Group⁹

Special Rapporteur on the rights to freedom of peaceful assembly and of association

First name	Last name	Nationality	Gender
Eileen	CHAMBERLAIN DONAHOE	United States of America	F
Lais	DE FIGUEIREDO LOPES	Brazil	F
Michael	HAMILTON	United Kingdom of Great Britain and Northern Ireland	M
Paula	MARTINS	Brazil	F
Ucha	NANUASHVILI	Georgia	M
Nyaletsossi Clément	VOULE	Togo	M

⁹ The list of candidates is provided in alphabetical order.