**How to apply:**

The entire application process consists of two parts: **1. online survey** and **2. application form in Word format**. Both parts and all sections of the application form need to be completed and received by the Secretariat before the expiration of the deadline.

**First part:** **Online survey** (<http://ohchr-survey.unog.ch/index.php/412731?lang=en>) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity.

**Second part:** **Application form in Word** can be downloaded from [http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC35.aspx](https://www.ohchr.org/EN/HRBodies/SP/Pages/HRC35.aspx) by clicking on the mandate. It should be fully completed and saved in Word format and then submitted as an attachment by e-mail. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will also be posted as received on the OHCHR public website.

Once fully completed (including Section VII), the application form in Word should be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) (by e-mail). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the e-mail prior to the expiration of the deadline. No additional documents, such as CVs, resumes, or supplementary reference letters beyond the first three received will be accepted.

**Please note that for Working Group appointments, only citizens of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at** [**http://www.un.org/depts/DGACM/RegionalGroups.shtml**](http://www.un.org/depts/DGACM/RegionalGroups.shtml)

* **Application deadline: 30 march 2017 (12 noon GREENWICH MEAN TIME / gMT)**
* **No incomplete or late applications will be accepted.**
* **Shortlisted candidates will be interviewed at a later stage.**

General description of the selection process is available at [http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx)

In case of technical difficulties, or if encountering problems with accessing or completing the forms, you may contact the Secretariat by e-mail at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) or fax at + 41 22 917 9008.

**You will receive an acknowledgment e-mail when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by e-mail.**

**Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** Saul | **6. Year of birth:** 1976 |
| **2. First name:** Ben | **7. Place of birth:** Sydney, Australia |
| **3. Maiden name (if any):** | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** Australian |
| **4. Middle name:** | **9. Any other nationality:** None |
| **5. Sex:** Male |  |

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I hold the oldest, most prestigious professorship of international law in Australia (Challis Chair at Sydney University), where I teach migration/refugee law; I have also taught at Oxford University (forced migration at the Refugee Studies Centre); and I will be a visiting professor at Harvard in 2018. I have a Doctor of Philosophy (= PhD) in international law from Oxford University. I hold a Bachelor of Laws (Honours I) specialising in international law and a Bachelor of Arts (Honours I and University Medal) from Sydney University. As an academic and lawyer (barrister), I have practiced, taught and researched on migration (including the related areas of all types of forced displacement, asylum and refugees, and economic and labour migration) since 2001 (see (2) below). I have advised or consulted on human rights to many governments, international organisations and NGOs, and practised in international and national tribunals. I am a native English speaker with excellent oral and written communication skills, developed through my extensive track record of hundreds of public and specialist publications (books, articles, research and policy papers, and media articles, with international and national publishers), hundreds of presentations delivered to diverse audiences on all continents, and my high level legal practice and advocacy. Many of these have addressed migration and human rights issues.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

I have an extensive, detailed knowledge of international, regional and national human rights law, gained through 16 years’ experience as a leading human rights and migration law professor, researcher, trainer, advocate and practitioner. As a tenured professor, I have prolifically published internationally-recognised research relevant to this mandate, with 13 books and over 90 scholarly articles, including three books and many articles on migration and human rights (see below). I have taught at world-class universities, including Oxford and Harvard; guest lectured at other pre-eminent institutions including Cambridge, The Hague Academy of International Law, UN Audio-Visual Library of International Law, London School of Economics, New York University, Max Planck Institute for International Law, Raoul Wallenberg Institute of Human Rights, and in China, India, Nepal, Bhutan, Cambodia and Italy. As a practitioner, I have acted in cases before the UN Human Rights Committee (succeeding in three cases for 54 detained refugees), Inter-American Court of Human Rights, International Criminal Tribunal for the former Yugoslavia, Special Tribunal for Lebanon, and Extraordinary Chambers in the Courts of Cambodia. I have advised or consulted to many governments, UN agencies and NGOs, and have extensive experience of cross-cultural, legally plural field work, having undertaken missions in 35 countries.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

My competence in human rights law and migration has been recognised through invitations to advise states (including immigration and border officials); UN agencies (UNHCR and OHCHR); regional organisations (Inter-American Commission and Court); and INGOs (Amnesty International). I was counsel before the UN Human Rights Committee in 54 cases of arbitrary indefinite security detention and cruel treatment of refugees. I worked with UNHCR in the field (Nepal); I was was an expert consulted by OHCHR on non-refoulement; and I presented expert opinion on non-refoulement for the Inter-American Commission on Human Rights at the Inter-American Court. I conducted capacity building for Chatham House for Chinese lawyers on refugee law in Asia. I was President of Australia's Refugee Advice and Casework Service. I have influenced over 130 Australian parliamentary inquiries, many involving controversial migration/refugee issues. My research has been cited by international and national courts. I have held leadership positions in the International Law Association, the Law Council of Australia's national human rights committee (the peak national body for lawyers, often dealing with migration), Australia's legal aid service, Sydney PEN (part of the global network on free expression) and Australian Lawyers for Human Rights. I have often advocated for migrant/refugee rights in the international and national media.

1. **PUBLICATIONS OR PUBLIC STATEMENTS**

**Please listsignificant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

* 1. **Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

**1. Title of publication:** Future Seekers II: Refugees and Irregular Migration in Australia [book, co-authored]

**Journal/Publisher:** Federation Press, Sydney

**Date of publication:** 2006

**Web link, if available:** http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862876026

**2. Title of publication:** The International Covenant on Economic, Social and Cultural Rights: Cases, Commentary and Materials [book, co-authored]

**Journal/Publisher:** Oxford University Press, UK

**Date of publication:** 2014

**Web link, if available:** https://global.oup.com/academic/product/the-international-covenant-on-economic-social-and-cultural-rights-9780199640300?cc=au&lang=en&

**3. Title of publication:** The Legal Protection of Refugees with Disabilities [book, co-authored]

**Journal/Publisher:** Edward Elgar, UK

**Date of publication:** 2017

**Web link, if available:** http://www.e-elgar.com/shop/the-legal-protection-of-refugees-with-disabilities

**If more than three publications, kindly summarize** (200 words):I have published 13 books (with 4 more in press), over 90 peer-reviewed articles, and hundreds of other publications (e.g. parliamentary submissions and legal opinions), on human rights, migration, displacement and international law. Two books are devoted to refugee law; one deals with development-induced displacement; and a third deals with migrants/refugees with disabilities (based on multi-year field work, with UNHCR and IOM, in Pakistan, Turkey, Jordan, Indonesia and Malaysia). I published a major field study on climate change-related displacement in Bangladesh. I am lead author of the Oxford Commentary on the ICESCR (2014, 1,300 pp), which covers migrant rights, awarded a global prize by the American Society of International Law. My other publications have addressed many facets of migration and human rights, including: non-refoulement; extradition; discrimination; the right to health; disability rights; detention; expulsion; due process; naval interception; rescue at sea; multiculturalism; gender violence; armed conflict; security and terrorism; climate change; carrier sanctions; labour migration; human trafficking and smuggling; citizenship; religion; race; judicial review; access to justice; and offshore processing. A publications list is here (http://sydney.edu.au/law/about/people/profiles/ben.saul.php) and full texts here (https://papers.ssrn.com/sol3/cf\_dev/AbsByAuth.cfm?per\_id=599006).

* 1. **Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:** ‘Australia’s Guantanamo Problem’ (media opinion article on Australia's indefinite detention of recognized refugees on undisclosed national security grounds)

**Event organizer:** The New York Times International

**Date on which public statement/pronouncement made:** 26 March 2014

**Web link, if available:** nyti.ms/1rtuU1r

**2. Platform/occasion/event on which public statement/pronouncement made:** 'Humane policy thrown overboard' (media opinion article defending Refugee Convention)

**Event organizer:** Sydney Morning Herald (major Australia newspaper)

**Date on which public statement/pronouncement made:** 19 July 2013

**Web link, if available:** http://www.smh.com.au/federal-politics/political-opinion/humane-policy-thrown-overboard-by-dry-souls-20130718-2q74j.html

**3. Platform/occasion/event on which public statement/pronouncement made:** ‘Processing refugees: they get the hits, we get the myths’ (media opinion article opposing Australia's offshore detention and processing of irregular boat migrants)

**Event organizer:** The Age (major Australian newspaper)

**Date on which public statement/pronouncement made:** 12 March 2014

**Web link, if available:** www.theage.com.au/comment/processing-refugees-they-get-the-hits-we-get-the-myths-20140311-34k1r.html

**If more than three, kindly summarize** (200 words):I have made hundreds of public presentations on topics related to human rights, migration, displacement, refugees or international law, including through lectures, seminars, workshops, expert roundtables, and public meetings. These have taken place in scores of countries on all continents and have addressed diverse audiences, including state officials (judges, immigration and border security agencies, diplomats and civil servants), international organisations (including UN agencies), humanitarian and development professionals, universities, NGOs, legal practitioners, students, and the general public. I can communicate at the highest technical level as well as tailoring messages to mass or non-expert audiences. I have also written and published over 100 opinion articles in major international or national newspapers, making complex and controversial human rights issues accessible to wide audiences. In addition, I frequently comment in the media (over 500 appearances) across all formats (print, radio, TV, online), including, for example, the The Economist, The Guardian, Le Monde, China Daily, Xinhua, The Huffington Post, New York Times, El Pais, South China Morning Post, Straights Times, Al Ahram, Haaretz, The Australian, Sydney Morning Herald, and The Age, BBC, CNN, ABC, Radio France, Voice of America, Voice of Russia, Al Jazeera, and Radio Free Europe.

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated total of approximately three months per year to the work of a mandate.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of “experts on mission”.**

I can devote at least three months a year to the mandate. As a senior professor I have significant flexibility in managing my commitments and time during the year, including for travel. Over the past five years, on average I have travelled for about 5 months per year, including regular long-distance trips from Australia to other continents. I would reallocate most of this research time to serve the mandate. I have also conducted field missions in more than 35 countries, including many migration/displacement situations (Sudan, Turkey, Bangladesh, Indonesia, Malaysia, Jordan, Nepal, Colombia, Australia, Algeria, Pakistan, among others). I thus appreciate the time-intensive requirements of field missions, understand the demands of travel and logistics (including translation), and have the experience to successfully manage them. I am also able to draw upon the research resources of my university (including a world-class research library and electronic resources) to contribute to the success of the mandate. In addition, legal research assistance is available at my university to supplement the work of the mandate. I am familiar with the time involved in consulting with stakeholders from my experiences of working with, and building coalitions of, civil society actors. As a lawyer I well understand the discipline of drafting reports to promptly meet deadlines.

**III. Motivation Letter** (600 word limit, must be included below and not in a separate e-mail or as an attachment)

The human rights of migrants remain precarious. Norms are underdeveloped, with no comprehensive agreement on all forms of migration. No dedicated institution is mandated to safeguard migrant rights. The complex causes of movement do not fit easily into existing legal categories and mandates.

These weaknesses persist at a time of heightened vulnerability. More people are forcibly displaced now than at any time since 1945. Irregular migration by land and sea has led to countless deaths and exploitation by traffickers and smugglers. Economic migration is restricted and migrant workers are often exploited.

The politicization of migration has stoked public anxieties about security, jobs, identity, borders and sovereignty. States have a legitimate interest in regulating migration, not least to maintain public confidence. Too often, however, these concerns have mutated into xenophobic, populist nationalism; the peddling of hate, fear and exclusion; and the demonization of difference (including Islamophobia).

All of this has made migrants’ rights more fragile than ever – and cooperative governance more difficult. States have resorted to unilateral control and deterrence measures that undermine rights. Responsibility shifting – not sharing – is common. Developing states bear the greatest burden in hosting most of the world’s displaced people. Developed states seek to maximize the windfalls of migration while externalizing or avoiding the costs.

Previous Special Rapporteurs have identified the many challenges and opportunities in protecting migrants’ rights. I would build on this legacy, by advancing migration governance and human development, combating labour exploitation, and addressing the worst violations (such as criminalization, detention and arbitrary exclusion of migrants; and trafficking and smuggling).

As Special Rapporteur I would be guided by the premise that mobility can enlarge economic, social and cultural opportunities for migrants and host communities alike, and advance freedom and dignity. Migration must be seen as an opportunity, not a threat. States must be empowered to find creative ways to integrate it into their economic, demographic, development, social and cultural policies. Above all, this requires more secure and regular migration pathways to deal with the inevitable flows of people stemming from diverse 'push' and 'pull' factors. It also requires the mainstreaming of rights in all migration phases, processes and institutions.

My first priority would be to influence the drafting of the Global Compact on safe, orderly and regular migration, to ensure that human rights are fully respected. The Compact presents a rare opportunity to advance global governance and to build a durable normative consensus. Many questions about its content require answers, including who it will address (how ‘migrants’ are defined and what causes are recognised); what range of issues it will cover; and whether it will only seek to manage existing movements, or also open up new migration pathways.

The Compact should fill protection gaps while being context-sensitive, practical and politically acceptable. It will need to clarify links to other frameworks, including on refugees (who will have their own Global Compact), IDPs, disasters, armed conflict, rescue at sea, smuggling and trafficking, climate change, humanitarian assistance, economic cooperation and development. It will need to engage financial institutions and the private sector. It will need to shift the paradigm from deterrence and security to protection of rights, and safeguard the vulnerable. Above all it will need to operationalise responsibility sharing through bilateral, regional and multilateral channels, and take a more integrated approach to the drivers of movement.

I am well equipped to conduct country visits, expeditiously handle communications alleging rights violations, and coordinate with other mandate holders. I would be a tireless and fearless advocate for the human rights of migrants, and would serve with professionalism and integrity.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue:** **English**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **No** If yes,

**Read:** Easily orNot easily:   
**Write:** Easily or Not easily: **Speak:** Easily or Not easily:

**Chinese:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**English:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Easily  
Write:** Easily or not easily: **Easily  
Speak:** Easily or not easily: **Easily**

**French:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Not easily  
Write:** Easily or not easily: **Not easily  
Speak:** Easily or not easily: **Not easily**

**Russian:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**Spanish:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating type of degree, subject, and whether full or part-time, ex. *Masters in law, University of xxx, part-time)*.**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution, full or part-time:** | **Years of attendance**  (provide a range from-to, for example 1999-2003): | **Place and country:** |
| Doctor of Philosophy (Public International Law), University of Oxford (full-time) | 2001-04 | Oxford, UK |
| Bachelor of Laws (First Class Honours), University of Sydney (full-time) | 1995-2000 | Sydney, Australia |
| Bachelor of Arts (First Class Honours and University Medal in Australian Literature; double major in history and literature), University of Sydney, Australia (full-time) | 1995-98 | Sydney, Australia |
| Diploma of Legal Practice, College of Law, Sydney (part-time) and admission as a solicitor; Admission as a Barrister (advocate) (part-time) | 2001 & 2006 | Sydney, Australia |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current occupation.** **Also indicate whether positions held were not full-time.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,**  **functional title,**  **main functions of position, full or part-time:** | **Years of work** (provide a range from-to, for example 1999-2005): | **Place and country:** |
| Harvard University, Visiting Chair of Australian Studies (full-time); Harvard Law School, Visiting Professor of Law (full-time) | 2018 | Boston, USA |
| Sydney Law School, University of Sydney - Challis Chair of International Law (2015-present, full-time); Professor of International Law (2012-15); Associate Professor of International Law (2009-11); Senior Lecturer in International Law (2007-09); Director of the Sydney Centre for International Law (2007-11) | 2007-present | Sydney, Australia |
| University of New South Wales Faculty of Law, Lecturer in Law (full-time) | 2006-06 | Sydney, Australia |
| Oxford University, Oxford Law Faculty Tutor in Public International Law (2002-04); Oxford Refugee Studies Centre Lecturer in International Human Rights Law (2003-04) | 2002-04 | Sydney, Australia |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS   
(of Human Rights Council resolution 5/1)  
*To be completed by the candidate or by the nominating entity on his/her behalf.***

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in the past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if you comply, NO if you do not comply, together with an explanation.)**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: 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. Mandate holders will act in their personal capacity.***

Yes; I have applied for two mandates at the 35th Session but would only accept one.

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

I would relinquish any conflicting activity or position.

**VIII. CERTIFY AND SUBMIT APPLICATION  
*To be completed by the candidate or by the nominating entity on his/her behalf.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.  
  
Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by   
e-mail (**[**hrcspecialprocedures@ohchr.org**](mailto:hrcspecialprocedures@ohchr.org)**).**

**Please review your application before you insert your name and date to indicate your agreement.**

**Name:** Professor Ben Saul

**Date:** 30 March 2017

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