

# **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-ninth session of the Human Rights Council**

*9 August 2018*

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## **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-ninth session of the Human Rights Council (10 to 28 September 2018) are: H.E. Mr. Negash Kebret Batora (Ethiopia), H.E. Mr. Victor Arturo Cabrera Hidalgo (Ecuador), H.E. Mr. Kok Jwee Foo (Singapore), H.E. Ms. Aviva Raz Shechter (Israel) and H.E. Mr. Vaqif Sadiqov (Azerbaijan). The working cycle of the current Consultative Group commenced on 1 April 2018 and will end on 31 March 2019, pursuant to paragraph 1(b) of Council decision 30/115. The Group held its initial organizational meeting on 2 May 2018.
3. A total of two special procedure vacancies are to be filled at the Council's thirty-ninth session as follows (listed in alphabetical order):
  1. **Special Rapporteur on the situation of human rights in Belarus** [HRC resolution 38/14];
  2. **Special Rapporteur on the situation of human rights in Eritrea** [HRC resolution 38/15].

## **II. Process**

4. The application period for the submission of applications for these two mandates was from 29 May to 11 July 2018.
5. The Consultative Group considered 15 individual applications from 14 eligible candidates submitted for the two aforementioned specific vacancies in accordance with the relevant paragraphs of Human Rights Council resolution 16/21.<sup>1</sup> The applications of eligible candidates were made public on the designated OHCHR web page<sup>2</sup> of special procedures as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 (see annex I of this report).
6. In accordance with established practice, it was decided that each member of the Consultative Group would individually rank and propose a list of candidates for each vacancy drawing on the written applications received, reflecting on their stated qualifications, relevant experience, expertise, independence, impartiality, personal integrity, objectivity, availability and motivation in compliance with relevant provisions of Human Rights Council resolution 5/1, decision 6/102, resolution 16/21 and relevant Council resolutions establishing the specific mandates under consideration. As a result of this ranking exercise, a shortlist of candidates to be interviewed was established for each mandate.

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<sup>1</sup> One candidate applied for two mandates.

<sup>2</sup> <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC39.aspx>

7. The Consultative Group held 4 formal meetings on 16, 18 and 19 July 2018, to consider and interview candidates for the two aforementioned vacancies. H.E. Mr. Vaqif Sadiqov (Azerbaijan) participated in the shortlisting but not in the interviews for this selection round.

8. In its organizational meeting of 2 May, the Consultative Group decided that the chairing function for the interview and selection process of the 10 mandate holder positions currently scheduled for appointment during the period 1 April 2018 to 31 March 2019, would be equally shared among its members, that is each member would chair the interview of selection process for two vacancies to be drawn by lot. The chairing arrangements for the specific mandates are noted below in each corresponding section.

9. The members of the Consultative Group took into full consideration the technical and objective requirements as stipulated in paragraphs 39-41, 44-46, 48, 50-51 of the annex to Human Rights Council resolution 5/1, decision 6/102 and paragraph 22 of resolution 16/21, and relevant Council resolutions establishing the specific mandates under consideration.

10. As per paragraph 51 of the annex to Council resolution 5/1, the Consultative Group took note of the perspectives offered by stakeholders including current or outgoing mandate holders in determining the necessary expertise, experience, skills and other relevant requirements for the mandates in question.<sup>3</sup>

11. On gender balance, the Consultative Group duly took note of the Guidelines on Gender Parity<sup>4</sup> adopted by the 2015 Consultative Group, whereby a quota was established so as to list no more than three candidates out of five of the same sex. The current Consultative Group decided not to adopt these Guidelines formally but to take them into consideration during the interview process.

12. In connection with the aforementioned, the Consultative Group reaffirmed its commitment to ensuring that the most qualified candidates are recommended to the positions under considerations, that the process of selection is objective, transparent, ensures equal treatment of all candidates, and that the recommendations to the President are public and substantiated pursuant to Council resolutions 5/1 and 16/21.

13. The Consultative Group decided that regarding the actual or perceived conflict of interest that may arise when a member of the Group has the same nationality as an eligible candidate, or knows personally an eligible candidate, concerned members would recuse themselves completely from participating in the process of recommendation (i.e. shortlisting, interview and evaluation), but could be present and observing the whole process.

14. The Consultative Group discussed the issue of the impact of candidates lobbying members directly and decided to follow a self-disclosure procedure in situations where any member has been approached with regard to the applications of candidates. The Consultative Group decided to strongly discourage meetings of individual candidates with members of the Group, and inform candidates that this is the practice of the current Group. However, the Group decided that – if a meeting takes place – the candidate would be informed that its taking place and its contents would be shared with the other members of the Group. This principled position has been included in the frequently asked questions section on the OHCHR nomination and selection of special procedures website.<sup>5</sup>

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<sup>3</sup> As per paragraph 51 of the annex to Human Rights Council resolution 5/1. Letter from the Chairperson of the Coordination Committee of Special Procedures to the Consultative Group on the selection process of special procedure mandate holders (dated 9 August 2018, see <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>).

<sup>4</sup> Annex to the letter from the Consultative Group to the President of the Human Rights Council (dated 23 December 2015).

<sup>5</sup> See <http://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>

15. In accordance with paragraphs 44 and 46 of the annex to Human Rights Council resolution 5/1, the Consultative Group sought to address consistently the potential for conflict of interest of all candidates holding decision-making positions in Government or in any other organization or entity as well as the principle of non-accumulation of human rights functions. These issues were clarified during interviews to ensure, inter alia, that if appointed, the candidate should state what steps he or she would be prepared to take with regard to any functions or duties that may give rise to an accumulation of human rights functions and/or any potential conflict of interest.

16. The Consultative Group held a total of seven interviews with seven shortlisted candidates for the two aforementioned vacancies (see annex II of this report). These interviews were held on 18 and 19 July 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 relevant Council resolutions establishing the specific mandates under consideration.

17. The decisions of the Consultative Group were taken by consensus.

### **III. Candidates proposed by the Consultative Group to the President for the mandate of the Special Rapporteur on the situation of human rights in Belarus**

18. Meetings held by the Consultative Group in relation to this mandate were chaired by H.E. Mr. Victor Arturo Cabrera Hidalgo (Ecuador). There were eight eligible candidates for this vacancy. Of the four 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. Anaïs MARIN (F) (France)**

**2. Valérie MAUGY (F) (France)**

**3. Andrew WILSON (M) (United Kingdom of Great Britain and Northern Ireland)**

19. **Anaïs Marin** is Assistant Professor and Marie Curie Fellow at Collegium Civitas in Warsaw, Poland. A political scientist specialized in international relations and Russian studies, she holds a PhD from Sciences Po, where she studied international public law and comparative politics with a focus on post-communist transformations in Central and Eastern Europe. As a Belarus expert, she cooperated with several European think tanks and contributed analytical reports and policy recommendations for various governments as well as structures, such as the European Parliament and the Eastern Partnership Civil Society Forum. She took part in OSCE/ODIHR election observation missions, including in Belarus. She has published extensively on Belarusian domestic policies. The Consultative Group noted the candidate's expertise and extensive knowledge of the mandate and its priorities, as well as knowledge of the country including specific issues and challenges. The Consultative Group also noted the candidate's motivation and determination to improve the human rights situation in the country. The candidate competently provided concrete and detailed answers to questions posed by the Consultative Group. The candidate attached importance to gender mainstreaming with clear ideas on how to integrate the gender perspective into the work of the mandate. The candidate also attached importance to effective dialogue and cooperation with the government and other stakeholders.

20. **Valérie Maugy** is a human rights expert who worked at the European External Action Service, as Senior International Consultant at the United Nations Development Programme, and as Policy Advisor at the Ministry of Foreign Affairs and International Development of France. She also worked with the Office of the High Commissioner for Human Rights, including in the field in various

capacities. She was involved in implementing mandates and working on issues related to rule of law, human rights, reconciliation, gender, and security sector reform. The Consultative Group noted the candidate's knowledge of developments and challenges of the country. The Consultative Group also noted the candidate's relevant experience and skills as well as knowledge of the mandate. The candidate has experience in mainstreaming gender perspectives into various issues and demonstrated her ability to remain objective and impartial while cooperating with states and other stakeholders.

21. **Andrew Wilson** is Professor of East European Studies at University College London and a Senior Policy Fellow at the European Council on Foreign Relations. He has worked for many years as adviser to intergovernmental institutions. He has published extensively and delivered keynote speeches, on Belarus. The Consultative Group noted the candidate's practical and realistic vision on how to enhance cooperation and positive engagement with all stakeholders. The Consultative Group also noted the candidate's objective view of the mandate as well as his detailed knowledge of the country and of its situation. The candidate recognized the importance of gender mainstreaming and presented good knowledge of gender issues.

#### **IV. Candidates proposed by the Consultative Group to the President for the mandate of the Special Rapporteur on the situation of human rights in Eritrea**

22. Meetings held by the Consultative Group in relation to this mandate were chaired by H.E. Mr. Victor Arturo Cabrera Hidalgo (Ecuador). There were seven eligible candidates for this vacancy. Of the three candidates interviewed, the Consultative Group decided to recommend them all as best qualified to fulfil the mandate, ranking them in the order of preference below.

**1. Daniela KRAVETZ (F) (Chile)**

**2. Ben EMMERSON (M) (United Kingdom of Great Britain and Northern Ireland)**

**3. Harry POST (M) (Netherlands)**

23. **Daniela Kravetz** is an attorney specialized in human rights, accountability, gender-based violence and access to justice in conflict and post-conflict settings. While serving as a humanitarian law expert on the Security Council mandated Panel of Experts on the Sudan from 2016 to 2018, she conducted fact-finding missions to the Sudan and regional countries to investigate alleged violations by the parties to the conflict. Previously, she worked both in the Chambers and in the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia. She has specialized in providing technical assistance and training to domestic institutions on the promotion of women's rights, working as a consultant on projects aimed at addressing gender-based violence in several countries. The Consultative Group noted the candidate's expertise and knowledge of the country, its specific challenges of the mandate. The Consultative Group also noted the candidate's motivation and determination for the progress of human rights. The Consultative Group further noted the candidate's readiness to cooperate and maintain a constructive dialogue, with an optimistic perspective, as well as to build on the work of the outgoing Special Rapporteur. The candidate demonstrated her competence, including by providing answers with concrete examples to questions posed by the Consultative Group, and provided clear ideas on how she would carry out this mandate if appointed. The candidate recognised the importance of adopting a pragmatic approach to promote cooperation and dialogue with all stakeholders including the country, and to collaborate with other mandate holders. The candidate further demonstrated her knowledge and experience in applying effective methodology for collecting and verifying information. The candidate has experience in gender mainstreaming for human rights work and proposed concrete ideas on how to integrate the gender perspective into the work of the mandate.

24. **Ben Emmerson** is a practising barrister in London, United Kingdom of Great Britain and Northern Ireland, specializing in domestic and international human rights law, international humanitarian law and international criminal law. He was Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism from 2011 to 2017. He was also Special Adviser to the Prosecutor of the International Criminal Court and Special Adviser to the Appeals Chamber of the Extraordinary Chambers in the Courts of Cambodia. He has published and lectured on international law, particularly international human rights and humanitarian law. The Consultative Group noted the candidate's vast experience of the United Nations system, legal expertise and good knowledge regarding developments and challenges of the country. The Consultative Group also noted the candidate's preliminary research about the country with a focus on land rights, gender, female genital mutilation, sexual violence, peace and justice. The candidate articulated clearly how to build on the work done by the outgoing Special Rapporteur, in particular on national fragility, land rights and gender issues. The candidate is fully cognizant on the importance performing the work in an objective and impartial manner.

25. **Harry Post** is Adjunct Professor of International Humanitarian Law and International Criminal Law at the Université Catholique in Lille, France. He has published on issues of territorial sovereignty, boundary conflicts in international relations and territorial disputes. He organized a major international conference on the boundary conflict between Eritrea and Ethiopia and published a book on the war and its aftermath. The Consultative Group noted the candidate's good understanding of developments in the country and its surroundings including the relationships among different stakeholders. The Consultative Group also noted the candidate's detailed knowledge of the challenges and priorities of the mandate. The candidate presented a clear vision on the way forward to implement the mandate so as to capitalize on the current upswing relations in the region. The candidate presented ideas on how to improve and promote cooperation with all stakeholders in order to turn it beneficial for all actors involved. The candidate expressed the importance of obtaining more relevant information of the gender situation in the country so as to promote gender mainstreaming.

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*Annex I - List of eligible candidates by mandate<sup>6</sup>***Special Rapporteur on the situation of human rights in Belarus**

<b>First name</b>	<b>Last name</b>	<b>Nationality</b>	<b>Gender</b>
Steinar	GIL	Norway	M
Satvinder	JUSS	United Kingdom of Great Britain and Northern Ireland	M
Anaïs	MARIN	France	F
Valérie	MAUGY	France	F
Daniel	MEKONNEN	Eritrea	M
Petre	ROMAN	Romania	M
John Joseph	RYAN	Ireland	M
Andrew	WILSON	United Kingdom of Great Britain and Northern Ireland	M

**Special Rapporteur on the situation of human rights in Eritrea**

<b>First name</b>	<b>Last name</b>	<b>Nationality</b>	<b>Gender</b>
Gloria M.	BALLASON	Nigeria	F
Kamal	ELGIZOULI	Sudan	M
Ben	EMMERSON	United Kingdom of Great Britain and Northern Ireland	M
Satvinder	JUSS	United Kingdom of Great Britain and Northern Ireland	M
Daniela	KRAVETZ	Chile	F
Ravind	LUGUN	Mauritius	M
Harry H.G.	POST	Netherlands	M

<sup>6</sup> The list of mandates and of candidates is provided in alphabetical order.

*Annex II – List of shortlisted candidates interviewed by the Consultative Group<sup>7</sup>*

**Special Rapporteur on the situation of human rights in Belarus**

<b>First name</b>	<b>Last name</b>	<b>Nationality</b>	<b>Gender</b>
Anaïs	MARIN	France	F
Valérie	MAUGY	France	F
Petre	ROMAN	Romania	M
Andrew	WILSON	United Kingdom of Great Britain and Northern Ireland	M

**Special Rapporteur on the situation of human rights in Eritrea**

<b>First name</b>	<b>Last name</b>	<b>Nationality</b>	<b>Gender</b>
Ben	EMMERSON	United Kingdom of Great Britain and Northern Ireland	M
Daniela	KRAVETZ	Chile	F
Harry H.G.	POST	Netherlands	M

<sup>7</sup> The list of mandates and of candidates is provided in alphabetical order.