

Report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of special procedures mandate holders to be appointed at the twenty-sixth session of the Human Rights Council

I. Background

1. In its resolution 5/1, the Human Rights Council decided to establish a Consultative Group¹ comprised of Permanent Representatives identified by Regional Groups and serving in their personal capacity. This group is mandated by the Council to propose to the President a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements. Recommendations to the President are required to be made public and substantiated.²
2. The members of the 2014 Consultative Group are: H.E. Mr. Luis Enrique Chávez Basagoitia, Permanent Representative of Peru; H.E. Ms. Elissa Golberg (Chairperson), Permanent Representative of Canada; H.E. Mr. Omar Hilale, Permanent Representative of Morocco; H.E. Mr. Rytis Paulauskas (Vice-Chairperson), Permanent Representative of Lithuania; and H.E. Mr. Yoo Yeonchul, Deputy Permanent Representative of the Republic of Korea.

II. Process

3. The Consultative Group held eight formal meetings on 2, 8, 12, 13, 21 and 26 May 2014 to consider candidates for the five vacancies as follows:
 - Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
 - Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
 - Special Rapporteur on trafficking in persons, especially women and children;
 - Working Group on Arbitrary Detention, member from Asia-Pacific States;
 - Working Group of Experts on People of African Descent, member from African States.

Based on a decision of the Consultative Group, H.E. Ms. Elissa Golberg chaired all the meetings held by the Consultative Group.

4. The Consultative Group considered 96 individual applications of 87 candidates for the aforementioned specific vacancies in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications were made public on the designated OHCHR web page³ of Special Procedures as provided for in paragraph 22 (b) of annex to Council resolution 16/21 (see annex I of this report). Due to an initial limited number of applicants, the deadline for submissions was extended by the Secretariat, with knock-on implications for the Consultative Group's ability to deliver its report one month before the beginning of the Council session.

¹ As per paragraph 47 of the annex to Human Rights Council resolution 5/1.

² As per paragraph 50 of the annex to Human Rights Council resolution 5/1.

³ <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC26.aspx>

5. The members of the Consultative Group took into consideration the technical and objective requirements as stipulated in paragraphs 39-41, 44-46, 48, 50-51 of the annex to Council resolution 5/1, Council decision 6/102, and paragraph 22 of Council resolution 16/21. The Consultative Group also accounted for, as appropriate, the perspectives offered by stakeholders, including current or outgoing mandate holders, in determining the necessary expertise, experience, skills and other relevant requirements for each mandate⁴ and paid due attention to geographical and gender balance considerations in their deliberations. Similarly, written contributions from non-governmental organizations were also brought to the attention of the Consultative Group.
6. In accordance with paragraphs 44 and 46 of the annex to Human Rights Council resolution 5/1, the Consultative Group sought to consistently address the potential for conflict of interest and were vigilant on the principle of non-accumulation of human rights functions. These issues were clarified during interviews and pursued subsequently in writing, when necessary, to ensure, inter alia, that if appointed, the candidates would relinquish any functions or duties that may give rise to an accumulation of human rights functions and/or any potential conflict of interest.
7. In accordance with established practice, it was decided that each member of the Consultative Group would propose a list of candidates for each vacancy drawing on the applications received, reflecting on their 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. Each list was subsequently compared and jointly assessed. As a result of this exercise, a shortlist of candidates to be interviewed was established for these mandates. All the candidates selected for shortlisting demonstrated their qualifications and experience in their written applications.
8. The Group spent some 17 hours interviewing by telephone a total of 21 shortlisted candidates for the five aforementioned vacancies on 12 and 13 May 2014, pursuant to paragraph 22 (c) of the annex to Human Rights Council resolution 16/21 (see annex II of this report). 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.

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

9. The Consultative Group was impressed by the calibre of candidates that applied for the position. Five individuals were interviewed and the Consultative Group decided to recommend the following three individuals as best qualified to fulfil the mandate, ranking them in the order of preference and performance, while noting a strong preference for the first candidate.

⁴ As per paragraph 51 of the annex to UN Human Rights Council resolution 5/1. Letters from the Chairperson of the Coordination Committee of Special Procedures (dated respectively 9 January and 9 May 2014).

1. **Mr. David KAYE** (USA)
 2. **Mr. Michael O'FLAHERTY** (Ireland)
 3. **Mr. Malick El-Hadji SOW** (Senegal)
10. Mr. Kaye is a Clinical Professor of Law at the University of California, Irvine School of Law. Mr. Kaye began his legal career with the Office of the Legal Adviser at the Department of State in the United States of America, and subsequently served as Deputy Legal Counsellor in the Embassy of the United States in the Netherlands. He has lectured widely and worked with or written about entities such as the ICTY and ICTR, OHCHR, the ICRC, and non-governmental organizations including Open Society, Human Rights Watch and the International Centre for Transitional Justice, and published in leading international law journals. Mr. Kaye demonstrated a thorough understanding of the challenges and opportunities facing a mandate holder at this time, and the Consultative Group strongly believes he would be well suited for the mandate, bringing important new energy and creativity, bolstered by thoughtful legal analysis and diplomatic experience. The Consultative Group took careful note of his emphasis on local engagement and technical assistance to address emerging concerns.
11. Mr. O'Flaherty is Professor of Human Rights Law and Director of the Irish Centre for Human Rights at the National University of Ireland, Galway. He was Chief Commissioner of the Northern Ireland Human Rights Commission (2011-2013), and a member of the UN Human Rights Committee (2004-2012). He has held various posts with OHCHR, UNICEF and DPKO, participated as expert in regional mechanisms for the protection of human rights and served as member of advisory boards in the human rights non-governmental sector. Mr. O'Flaherty is a member of the UK Government advisory committee on freedom of expression and the internet and the Irish Government human rights advisory committee. The Consultative Group took note of Mr. O'Flaherty's past contributions to the issue, notably his role in the development of the 2011 General Comment 34 by the UN Human Rights Committee, and his emphasis on the role a rapporteur could play in facilitating evolving policy and practice by States and other stakeholders.
12. Mr. Sow is currently Advisor to the Supreme Court of Senegal, with experience as a judge in his country for more than 30 years, having held posts such as Advisor to and President of the Court of Appeal. He served as Permanent Secretary of the Comité Sénégalais des Droits de l'Homme (the national human rights institution of Senegal), founding member and two-term President of the Francophone Association of National Human Rights Commissions, member of the Committee for the Prevention of Torture in Africa since 2004, and Chairperson of the National Task Force against trafficking in persons, in particular women and children since 2011. Mr. Sow was member of the Working Group on Arbitrary Detention from May 2008 to May 2014 and served as its Chairperson-Rapporteur from 2009 to 2013.

IV. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

13. The Consultative Group interviewed five shortlisted candidates and unanimously decided to recommend the following three individuals as qualified to fulfil the role, ranking them in order of preference, although noting a close proximity between the first two candidates who performed strongly in the application and interview process. In its ranking, the Consultative Group was mindful of the under-representation of nationals from Eastern Europe among special procedures mandate holders. Each shortlisted candidate spoke to the importance of ensuring that a rights-based approach to health was pursued in the context of the post-2015 international development framework, and saw this as an area where a mandate holder could add value in what is otherwise a crowded field.
 1. **Mr. Dainius PURAS** (Lithuania)
 2. **Ms. Sophia GRUSKIN** (USA)
 3. **Mr. Armando DE NEGRI FILHO** (Brazil)
14. Mr. Puras is a medical doctor with notable expertise on mental health, and currently Professor at Vilnius University, Faculty of Medicine (also affiliated with the Faculty of Philosophy and the Institute of International Relations and Political Sciences), and visiting Professor at the Iliia State University, Georgia. He has served as a member of the Committee on the Rights of the Child (2007-2011), and has participated as a speaker at various international human rights and health related events and debates. He has been an independent expert and consultant to numerous governments in Eastern Europe, Central and South Eastern Asia, NGOs, OHCHR, UNICEF and other UN agencies in relation to promoting policies and practices related to the right to health. He has published extensively in national and international journals on health and human rights issues. He is a human rights advocate, and founded a non-governmental organization in Lithuania focused on parents with children with mental disabilities. The Consultative Group appreciated Mr. Puras's keen understanding of the interplay between human dignity, health and development, and his emphasis on the importance of the mandate adopting a life-cycle approach when considering health and human rights issues.
15. Ms. Gruskin is a Professor of law and preventive medicine at the University of Southern California, and is adjunct Professor of global health at the Harvard School of Public Health. She has experience advancing health policy and development issues at the United Nations, and has collaborated with UN agencies including WHO, OHCHR and UNFPA, and nationally with Governments, academia and civil society organizations in Brazil, South Africa, Vietnam, Australia and the United States of America. She has published extensively and has trained students, policymakers and practitioners on issues central to the right to health. The Consultative Group appreciated Ms. Gruskin's emphasis on national level operationalization of the right to health, and the need to place the right to health at the centre of global work and increase the comfort of both governments and global health institutions to utilize it as a framework for addressing inequalities in health outcomes.

16. Mr. De Negri Filho is a medical doctor and epidemiologist by training, currently working at the Hospital do Coracao in Sao Paulo (Brazil), and was Coordinator of the Laboratory on Innovations of Planning, Management, Evaluation and Regulation of Health Policies, Systems, Networks and Services from 2010. He has experience working with UN agencies on the right to health including WHO, UNFPA and UNDP, and has been active regionally including with PAHO. He is a member of the Peoples' Health Movement (PHM-Movimiento por la Salud de los Pueblos) and has advised and managed a variety of non-governmental organizations. Mr. De Negri Filho has experience in teaching, organizing conferences and writing about a wide range of issues related to the right to health.

V. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on trafficking in persons, especially women and children

17. The Consultative Group took note of the significant interest in the position, with 38 eligible applicants coming forward. The Consultative Group interviewed five candidates, shortlisted three, and is unanimous in its decision to propose the first candidate for the President's consideration, as she demonstrated her qualifications and experience convincingly through the interview and application process.

1. **Ms. Maria Grazia GIAMMARINARO** (Italy)

2. **Mr. Ian FELDMAN** (Republic of Moldova)

3. **Ms. Mariana KATZAROVA** (Bulgaria)

18. Ms. Giammarinaro is a currently an Italian penal judge, and was until recently the OSCE Special Representative for Combating Trafficking in Human Beings. She has policy-making experience as the Head of the Legislative Office of the Minister for Equal Opportunities, and through her work at the European Commission. She has drafted Italian legislation on non-discrimination and trafficking, and the EU Directives on trafficking and sexual exploitation of children. The Consultative Group was impressed by the combination of diplomatic, policy and legal experience which Ms. Giammarinaro could bring to bear in this role, and her demonstrated ability to engage with a variety of stakeholders on the sensitive issues which this mandate covers – including where divergent views are evident. Ms. Giammarinaro's emphasis on prevention and on emerging trafficking issues effectively demonstrated she would bring clarity of purpose to the role.

19. Mr. Feldman is an independent advisor on trafficking issues. He has led national, regional and international training to increase sensitivity to and address human trafficking through collaborations with the International Organization for Migration and UN agencies in Central Asia, the Middle East and the Horn of Africa. He is currently a member of the National Council for the Prevention and Combating of Discrimination and Promotion of Equality, an independent para-judicial body aiming to fight discrimination at the national level in Moldova. The Consultative Group welcomed Mr. Feldman's wide operational experience in capacity support for Governments responding to trafficking concerns. It was noted that his knowledge of comparative country and civil society experience could be an important asset.

20. Ms. Katarova is an expert and adviser on trafficking issues with experience at the Organization for Security and Cooperation in Europe, the Office of the High Commissioner for Human Rights, and non-governmental organizations including Amnesty International and the Lawyers Committee for Human Rights. She has experience working with UN, civil society and other stakeholders in the development of anti-trafficking policies, and has drafted guides and training material for EU border guards on the safe return of trafficked persons.

VI. Candidates proposed by the Consultative Group to the President for the Working Group on Arbitrary Detention – member from Asia-Pacific States

21. The Consultative Group interviewed three shortlisted candidates and decided to recommend the following individuals as qualified to fulfil the mandate, without wishing to specify a clear ranking between them.

Mr. Seong-Phil HONG (Republic of Korea)

Mr. Ricardo III SUNGA (Philippines)

Despite the Consultative Group's past and current efforts to address the absence of gender diversity in the Working Group, attention will continue to need to be devoted to this going forward.

22. Mr. Hong is an international lawyer by training, and currently Associate Professor of International Law and Human Rights at Yonsei Law School, in Seoul. He has been on the Advisory Council of Jurists for the Asia-Pacific Forum of National Human Rights Institutions since 2010, and served as a member of the Presidential Committee that established the Republic of Korea's national human rights commission (2001-2002). Mr. Hong previously served as legal advisor to the Republic of Korea delegation to the UN (1996-2002), where he had direct experience engaging with UN human rights mechanisms. He has also provided legal advice to the Ministry of Justice, Ministry of Unification and the National Human Rights Commission of Korea. He is co-founder of the non-governmental organization "Citizens' Alliance for North Korean Human Rights".
23. Mr. Sunga is a human rights lawyer and teaches international law at the De La Salle University College of Law and San Beda Graduate School of Law in the Philippines. He also works as a Law Reform Specialist with the University of the Philippines Institute of Human Rights. He is presently the Regional Coordinator for the National Capital Region of the Free Legal Assistance Group, the oldest Philippine human rights lawyers' organization, where he has managed several cases involving enforced disappearance and torture. He has engaged with UN human rights mechanisms, including the Human Rights Committee under the individual communications procedure.

VII. Candidates proposed by the Consultative Group to the President for the Working Group of Experts on People of African Descent – member from African States

24. The Consultative Group interviewed three shortlisted candidates for this vacancy, and decided to recommend them in the following order of preference.
1. **Mr. Sabelo GUMEDZE** (South Africa)
 2. **Mr. Mamadou BARRY** (Guinea)
 3. **Mr. Hammoud OUHELLI** (Morocco)
25. Mr. Gumedze is a lawyer, and currently heads the Research and Development Unit at the Private Security Industry Regulatory Authority in South Africa. He has worked as a consultant, partner or advisor with the United Nations, African Union, non-governmental organizations and academic institutions in Africa, Europe and North America. He has lectured and published in the field of international human rights law and has attended and contributed to the sessions of the Working Group on the use of mercenaries as a means of violating human rights and impeding the rights of peoples to self-determination since 2007. The Consultative Group took note of Mr. Gumedze's interest in the Working Group facilitating domestic legislation and policies designed to address root causes of discrimination faced by people of African descent, including in social service delivery.
26. Mr. Barry is a lawyer and independent development consultant with extensive field experience. He has worked in some 15 African countries in the areas of human rights, democratic governance and capacity development for governments and civil society including with UNDP, UN Women and UNICEF. He has experience working with UN human rights bodies including the HRC, the CAT and the ICESCR, and with African mechanisms. The Consultative Group was impressed by Mr. Barry's operational experience and practical focus, including his emphasis on engaging individuals and communities when designing potential measures to mitigate discrimination on the basis of African descent.
27. Mr. Ouhelli is Doctor of Veterinary Medicine and was a Professor at Hassan II Institute of Agronomy and Veterinary Sciences. He was a long-time member of the National Council for Human Rights of Morocco, including as rapporteur on economic, social and cultural rights where he also represented the Council as a member of the Working Group on International Relations in international forums. He has experience with UN human rights mechanisms. Mr. Ouhelli has been active in the UNESCO / ISESCO Arab Research-Policy Network on ESC Rights, and has worked with civil society actors on poverty reduction, on the promotion of the cultural rights of the Amazigh people in Morocco, and in countering discrimination of different ethnic groups.

Annex I

List of eligible candidates considered by mandate⁵

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Candidates		Nationality
Ms. Christina	CERNA	Nicaragua
Mr. John	CERONE	United States of America
Mr. Suhas	CHAKMA	India
Ms. Louiza	CHALAL	Algeria
Mr. Samir	DAS	India
Mr. Jared	GENSER	United States of America
Mr. Seyed Mohammad	HASHEMI	Iran (Islamic Republic of)
Mr. Azar	HASRAT	Azerbaijan
Ms. Tassadit	HOUACINE	Algeria
Mr. David	KAYE	United States of America
Mr. Cesare	LOMBRASSA	Italy
Ms. Viviane	MALDONADO	Brazil
Ms. Ruma	MODAK PARAI	Bangladesh
Mr. Michael	O'FLAHERTY	Ireland
Mr. Kingdom	OKERE	Nigeria
Mr. Liviu	OLTEANU	Romania
Mr. Mamane	OUMARIA	Niger
Mr. Titipol	PHAKDEEWANICH	Thailand
Mr. Andrey	RIKHTER	Russian Federation
Mr. Timothy	SEBASTIAN	United Kingdom of Great Britain and Northern Ireland
Mr. El Hadji Malick	SOW	Senegal

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Candidates		Nationality
Ms. Rocio	BARAHONA	Costa Rica
Ms. Ngiare	BROWN	Australia
Ms. Luisa	CABAL	Colombia
Mr. Armando	DE NEGRI FILHO	Brazil
Mr. Aeyal	GROSS	Israel
Ms. Sofia	GRUSKIN	United States of America
Mr. Mohammad	HABIBI MOJANDEH	Iran (Islamic Republic of)

⁵ The list of mandates and candidates is provided in alphabetical order.

Mr. Mpinga	KABENGELE	Democratic Republic of the Congo
Ms. Nassira	KEDDAD	Algeria
Ms. Dominique	KEROUEDAN	France
Mr. Stephen	MARKS	United States of America
Ms. Fatiha	MERAH	Algeria
Mr. Gorik	OOMS	Belgium
Mr. Dainius	PURAS	Lithuania
Ms. Mahadevan	SHARMA	India
Ms. Vesna	ŠVAB	Slovenia
Mr. Aleksandar	TOMCUK	Montenegro
Mr. Javier	VASQUEZ	Panama
Mr. Makarim	WIBISONO	Indonesia

Special Rapporteur on trafficking in persons, especially women and children

Candidates		Nationality
Mr. Ghanim	ALNAJJAR	Kuwait
Ms. Jane	ANYWAR ADONG	Uganda
Ms. Monorama	BISWAS	Bangladesh
Mr. Marcelo	BRETAS	Brazil
Mr. Oscar	CASTRO SOTO	Mexico
Mr. John	CERONE	United States of America
Ms. Mary	DAIRIAM	Malaysia
Mr. Samir	DAS	India
Mr. Mohab	ELSHORBAGI	Egypt
Mr. Nicolás	ESPEJO YAKSIC	Chile
Mr. Ian	FELDMAN	Republic of Moldova
Ms. Anne	GALLAGHER	Australia
Ms. Enakshi	GANGULY THUKRAL	India
Ms. Maria Grazia	GIAMMARINARO	Italy
Ms. Ruchira	GUPTA	India
Ms. Tassadit	HOUACINE	Algeria
Ms. Mariana	KATZAROVA	Bulgaria
Ms. Aicha	KOUADRI BOUDJELTHAIA	Algeria
Mr. Zbigniew	LASOCIK	Poland
Mr. Jean Luc	LIKILO BOSONGOSONGO	Democratic Republic of the Congo
Mr. Augustine	MAHIGA	Tanzania
Mr. Fernando M.	MARIÑO MENENDEZ	Spain
Mr. Mohamed	MATTAR	Egypt
Ms. Ratiba	MILADI	Tunisia
Ms. Daniella	MISAIL-NICHITIN	Republic of Moldova

Ms. Nasrin	MOSAFFA	Iran (Islamic Republic of)
Ms. Daliborka	MUGOSA	Montenegro
Ms. Jessica	NEUWIRTH	United States of America
Mr. Achirimbi	NGWA JOSEPH	Cameroon
Mr. Tomoya	OBOOKATA	Japan
Mr. Kingdom	OKERE	Nigeria
Ms. Regina	PAULOSE	United States of America
Ms. Mahya	SAFFARINIA	Iran (Islamic Republic of)
Ms. Tassadit	SAHEB MOUALEK	Algeria
Mr. El Hadji Malick	SOW	Senegal
Mr. Ramavarma	THAMBURAN	India
Ms. Patrice	WELLESLEY-COLE	United Kingdom of Great Britain and Northern Ireland
Mr. Aladil	YAGOUB	Sudan

**Working Group on Arbitrary Detention
Member from Asia-Pacific States**

Candidates		Nationality
Mr. Samir	DAS	India
Mr. Osman	EL HAJJE	Lebanon
Mr. Ali Dayan	HASAN	Pakistan
Mr. Seong-Phil	HONG	Republic of Korea
Mr. Jong Chul	KIM	Republic of Korea
Ms. Surabhi	RANGANATHAN	India
Mr. Paikiasothy	SARAVANAMUTTU	Sri Lanka
Ms. Shaista	SHAMEEM	Fiji
Mr. Ricardo III	SUNGA	Philippines
Mr. Ramavarma	THAMBURAN	India

**Working Group of Experts on People of African Descent
Member from African States**

Candidates		Nationality
Mr. Mamadou	BARRY	Guinea
Mr. El Moussaoui	EL AJLAOUI	Morocco
Mr. Sabelo	GUMEDZE	South Africa
Mr. Jean Luc	LIKILO	Democratic Republic of the Congo
Mr. Kingdom	OKERE	Nigeria
Mr. Hammou	OUHELLI	Morocco
Mr. Eliakim	SIBANDA	Zimbabwe
Mr. Abdelkader	TAIBI	Algeria

Annex II

List of shortlisted candidates interviewed by the Consultative Group⁶

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Candidates		Nationality
Mr. Suhas	CHAKMA	India
Mr. Jared	GENSER	United States of America
Mr. David	KAYE	United States of America
Mr. Michael	O'FLAHERTY	Ireland
Mr. El Hadji Malick	SOW	Senegal

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Candidates		Nationality
Mr. Armando	DE NEGRI FILHO	Brazil
Ms. Sofia	GRUSKIN	United States of America
Mr. Mpinga	KABENGELE	Democratic Republic of the Congo
Ms. Dominique	KEROUEDAN	France
Mr. Dainius	PURAS	Lithuania

Special Rapporteur on trafficking in persons, especially women and children

Candidates		Nationality
Mr. Nicolás	ESPEJO YAKSIC	Chile
Mr. Ian	FELDMAN	Republic of Moldova
Ms. Anne	GALLAGHER	Australia
Ms. Maria Grazia	GIAMMARINARO	Italy
Ms. Mariana	KATZAROVA	Bulgaria

⁶ The list of mandates and candidates is provided in alphabetical order.

**Working Group on Arbitrary Detention
Member from Asia-Pacific States**

Candidates		Nationality
Mr. Seong-Phil	HONG	Republic of Korea
Ms. Shaista	SHAMEEM	Fiji
Mr. Ricardo III	SUNGA	Philippines

**Working Group of Experts on People of African Descent
Member from African States**

Candidates		Nationality
Mr. Mamadou	BARRY	Guinea
Mr. Sabelo	GUMEDZE	South Africa
Mr. Hammou	OUHELLI	Morocco
