

14 December 2020

Dear Members of the Consultative Group,

On behalf of the Coordination Committee of Special Procedures, I am writing to you once again in connection with the selection of new mandate holders, in particular the selection of several of our future colleagues at the upcoming session of the Human Rights Council in September.

The high quality and integrity of mandate holders are crucial to ensure the effectiveness and credibility of the system of special procedures. I recently invited the relevant outgoing mandate holders to provide information on the skills they consider essential for the new mandate holders to discharge the mandate. I sought their views in line with Human Rights Council resolution 5/1, paragraph 51, which says that “the Consultative Group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate”.

I am therefore pleased to share with you the contributions received from the Working Group on Arbitrary Detention (Annex I), the Working Group of Experts on people of African descent (Annex II) and the Special Rapporteur on the human rights situation in Cambodia (Annex III).

I trust that you will find these suggestions useful as you undertake the selection process. I am at your disposal to discuss this matter further if you have additional questions or require additional feedback. As indicated earlier, special procedures mandate holders have decided that these contributions should be made publicly available as a way to enhance transparency. This letter will therefore be posted on the public website of special procedures. I wish you success in your deliberations.

Sincerely yours,



Anita Ramasastry
Chair of the Coordination Committee of Special Procedures

cc: H.E. Ms. Elisabeth Tichy-Fisslberger
President of the Human Rights Council

Annex I

CONTRIBUTION FROM THE WORKING GROUP ON ARBITRARY DETENTION

The Working Group on Arbitrary Detention (WGAD) considers that the following skills and expertise should be taken into account in the process of selection of the members:

i. The execution of the mandate of the WGAD, especially consideration of cases of deprivation of liberty, involves legal matters requiring expertise in international human rights law. For these reasons, it is essential that the new members of the WGAD are lawyers with extensive relevant expertise in international human rights law.

ii. As the members of the WGAD are required to draft opinions with legal arguments based on relevant applicable international human rights instruments in cases assigned to them, the candidates must possess the necessary legal drafting skills.

iii. The tasks of the WGAD also involve strenuous field missions in possibly difficult conditions, as well as visits to prisons and other detention facilities and interviews of the detainees.

iv. Carrying out of the duties of the WGAD entails a significant time commitment (at minimum, participation in three sessions per year in Geneva, preparation of opinions, and participation in country visits). As such, the new members must have sufficient availability.

v. It is also important that the WGAD is balanced in terms of gender.

vi. The WGAD works in three official languages of the UN (English, French and Spanish). It would be important to maintain this capacity.

Annex II

CONTRIBUTION FROM THE MANDATE OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

The Working Group of Experts on People of African Descent deeply appreciates the careful attention of the Consultative Group and the Human Rights Council in selecting experts for this important mandate that has publicly been a leader in the fight against systemic racism. To that end, in selecting new members, the Working Group would ask that the Consultative Group consider lived experience with the mandate (as a person of African descent or other specific expertise in anti-Black racism) and also consider the importance of intersectionality, including gender, migration status, and/or other. The Working Group further welcomes the Human Rights Council and the Consultative Group's consideration of the group dynamic, as we are a consensus body, and remains available to offer specific and candidate-based information for the selection process as well.

Annex III

CONTRIBUTION FROM THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CAMBODIA

In furtherance of Human Rights Council Resolution 5/1, para 51, which indicates that the “the Consultative Group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate” I am honoured to submit my comments on the mandate for the situation of human rights in Cambodia via the Coordinating Committee of Special Procedures. This is one of the longest operating country mandates, dating to the appointment of Michael Kirby as the Special Representative of the Secretary General pursuant to the Comprehensive Cambodian (Paris) Peace Agreements. The mandate should benefit from support not only of OHCHR in Geneva, but also the field office in Phnom Penh, Cambodia. During my period serving this mandate, it also benefitted from the support of the Royal Government of Cambodia with invitations to visit extended.

Recommendations:

Given the evolution of the mandate over the years, in my view, it would be helpful to have a mandate holder with an understanding of the situation in Cambodia, including its complex history.

A broad knowledge base is helpful as country mandate holders can and do engage with any human rights issue within the country. Awareness of international human rights and fundamental freedoms, the UN sustainable development goals and the regional framework would help. Understanding the historical, socioeconomic and political contexts contributes to this.

A strong experience of working with civil society would be a definite advantage. Cambodia benefits from a rich and diverse civil society. Building and maintaining strong links with civil society would be important for the new mandate holder.

I wish the successful candidate well developing the work of the mandate through to September 2021 when the Council will determine whether the mandate should be renewed.