

9 December 2021

Dear Members of the Consultative Group,

On behalf of the Coordination Committee of Special Procedures, I am writing to you 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 contribution received from the Working Group on arbitrary detention (Annex I), the Working Group on enforced and involuntary disappearances (Annex II) and the Working Group on the issue of human rights and transnational corporations and other business enterprises (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,



Victor Madrigal Borloz  
Chair of the Coordination Committee of Special Procedures

cc: H.E. Ms. Nazhat Shameem Khan  
President of the Human Rights Council

## **Annex I**

### **CONTRIBUTION FROM THE 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:

1. 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.
2. 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. The WGAD adopts around 90 opinions annually and as such, each member is expected to draft around 22 to 25 opinions each year.
3. The tasks of the WGAD also involve two strenuous field missions each year (10 working days and travel time) in possibly difficult conditions, as well as visits to prisons and other detention facilities and interviews of the detainees.
4. 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.
5. It is also important that the WGAD is balanced in terms of gender (women and men).
6. The WGAD works in three official languages of the UN (English, French and Spanish). It would be important to maintain this capacity as well as knowledge of different legal systems.

## **Annex II**

### **CONTRIBUTION FROM THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES**

The Working Group on Enforced or Involuntary Disappearances submits this contribution to the Consultative Group, in accordance with Human Rights Council resolution 5/1, paragraph 51, which provides 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”.

It is the view of the Working Group that the new member to be appointed among the Asia-Pacific States should comply with the following pre-requisites:

1. The selected mandate holder should have proven knowledge and work experience in human rights protection and advocacy in the area of Enforced Disappearances, including at the regional level.
2. The selected mandate holder should have experience working with and supporting relatives and victims of enforced disappearances.
3. Experience in relevant sectors (judiciary, legal sector/assistance, non-governmental sector, academia and other related professional areas), notably in dealing with the crime of enforced disappearance, is desirable.
4. The selected mandate holder should preferably be a woman. The experience of the Working Group demonstrates that enforced disappearances affects women in differentiated and gendered ways. The voice and guidance of a female member would be crucial to ensure the Working Group delivers its mandate in a comprehensive and inclusive manner.
5. The selected candidate should not come from a diplomatic background or have ties with any particular State from the concerned region as a governmental official, in order to ensure her independence and impartiality

## Annex III

### Contribution from the Working Group on Business and Human Rights

The Working Group on Business and Human Rights submits this input to the Consultative Group, in accordance with Human Rights Council resolution 5/1 (paragraph 51), which provides 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”.

In view of the Working Group, the new member from the Asia Pacific States should have the following prerequisites:

1. **Knowledge and expertise:** The selected candidate should have proven knowledge and expertise in the business and human rights field. She should be well-versed with all relevant international standards (especially the UN Guiding Principles on Business and Human Rights) and accountability mechanisms. The candidate should also have a track record of familiarity with ongoing topical business and human rights issues.
2. **Independence and impartiality:** In order to maintain her independence and impartiality, the selected candidate should not have any formal or informal ties with any State department, agency and organ, or any affiliation with a business enterprise or industry association. The candidate should also have the ability, institutional autonomy and track record to raise politically sensitive business and human rights issues with any State without any fear or favour.
3. **Constructive engagement with all stakeholders:** The selected candidate should have a track record of engaging all stakeholders throughout the Asia Pacific region in a meaningful manner to promote business respect for human rights. The candidate should also enjoy the trust of all stakeholders, especially of vulnerable or marginalised communities, to act in an objective, constructive and gender-responsive manner.
4. **Time commitment:** Considering the vast Asia Pacific region and the growing expectations of various stakeholders, the selected candidate should be able to devote significant amount of her time (more than the indicative 25%) to perform various tasks adequately, e.g., participate in the Working Group sessions, write reports, develop guidance, conduct country visits, organise regional consultations, participate in events or capacity building workshops, review received complaints, organise regional forums, respond to emails, and respond to requests from States, businesses, civil society organizations, trade unions and human rights defenders.