

**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 thirty-first session of the Human Rights Council  
PART I**

*19 February 2016*

---

**I. Background**

1. In paragraph 47 of the annex to 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 mandates 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-first session of the Human Rights Council are: H.E. Ms. Filloreta KODRA (Albania), H.E. Regina Maria Cordeiro DUNLOP (Brazil), H.E. Mr. Amr RAMADAN (Egypt), H.E. Ms. Elisabeth LAURIN (France), and H.E. Mr. Thani THONGPHAKDI (Thailand). The working cycle of the Consultative Group commenced on 1 January 2016 and will end on 31 March 2017, pursuant to paragraph 1(b) of Council decision 30/115. Thereafter, the working cycle of future Consultative Groups will have a duration of one year beginning on 1 April 2017.
3. At its organizational meeting, the Consultative Group decided that the chairing function would be equally shared amongst the five members on a rotational basis according to the number of mandates to be considered, taking into account that, as of present, a total of 15 mandates are to be filled during the working cycle 1 January 2016 to 31 March 2017. These 15 mandates would be divided amongst the 5 members (3 mandates under the chairmanship of each Consultative Group member). For the first three mandates listed below and which are covered in PART I of this report, the Consultative Group decided that H.E. Ms. Filloreta KODRA (Albania) would serve as Chairperson.
4. The vacancies to be filled at the Council's thirty-first session are:
  1. **Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Eastern European States** [HRC res. 6/36];
  2. **Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Latin American and Caribbean States** [HRC res. 6/36];
  3. **Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States** [HRC res. 26/22];
  4. **Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967** [CHR res. 1993/2 and HRC res. 5/1].
5. The third and fourth vacancies listed above were not foreseen and arose, respectively, due to the resignations of Mr. Puvan J. Selvanathan (Malaysia), member of the Working Group on the

issue of human rights and transnational corporations and other business enterprises (on 15 December 2015) and Mr. Makarim Wibisono, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (on 4 January 2016). Because of a later deadline for applications for the fourth unexpected vacancy, the recommendations of the Consultative Group in relation to the selection of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 will be contained in PART II of this report (forthcoming at a later date).

## **II. Process**

6. The Consultative Group held six formal meetings, including two meetings with interpretation, on 25 January, 1 and 2 February 2016 to consider candidates for the following three vacancies (listed in alphabetical order):

- 1. Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Eastern European States [HRC res. 6/36];**
- 2. Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Latin American and Caribbean States [HRC res. 6/36];**
- 3. Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States [HRC res. 26/22].**

7. H.E. Ms. Filloreta KODRA chaired all the above-mentioned meetings held by the Consultative Group in relation to these mandates.

8. The application period for the submission of applications for the mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) – one member from Eastern European States and one member from Latin American and Caribbean States – was from 18 November 2015 to 11 January 2016, extended to 21 January 2016. The extension of deadline was necessary due to the initially limited pool of candidates. The application period for the submission of applications for the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States, was from 21 December 2015 to 21 January 2016.

9. The Consultative Group considered 32 individual applications of 32 candidates for the three 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 page<sup>1</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).

10. For the first time, shortlisted candidates were able to request in advance and make use of interpretation in one of the six official languages of the United Nations during their telephone interviews, pursuant to the Statement by the President 29/1. Fluency in one of the two working languages of the United Nations was also assessed by the members of the Consultative Group for all candidates who were interviewed.

---

<sup>1</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC31.aspx>

11. 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 Council resolution 5/1, Council decision 6/102 and paragraph 22 of Council resolution 16/21, and relevant Council resolutions establishing the specific mandates under consideration. In addition, for the vacancies in the Expert Mechanism on the Rights of Indigenous Peoples, the Group took into consideration paragraph 4 of Council resolution 6/36, which strongly recommends that in the selection and appointment process the Council give due regard to experts of indigenous origin, together with other qualifying criteria. Accordingly, the Group gave due regard to the indigenous origin of the candidates as per their self-identification in their application forms.

12. The Consultative Group also considered, 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 mandate.<sup>2</sup> Due attention was paid to geographical and gender balance considerations in their deliberations. For the latter, the Consultative Group noted the paper on Gender Parity adopted by the 2015 Consultative Group.

13. Members of the Consultative Group had an exchange on having been solicited by a number of their colleagues and others in relation to the applications of specific candidates. The Group decided to follow a self-disclosure procedure and reaffirmed that the process of selection is objective, transparent, ensures equal treatment of all candidates, and recommendations to the President are public and substantiated pursuant to Council resolutions 5/1 and 16/21. The Consultative Group reaffirmed its commitment to ensuring the best possible candidates are recommended to the positions under consideration.

14. The Consultative Group discussed ways to alleviate concerns about the issue of a conflict of interest that may arise when, for example, a member of the Group personally knows a candidate, or otherwise feels that a real or perceived potential conflict of interest may arise. The Group discussed whether knowing a candidate is an asset or liability to the selection process, as well as the issue of nationality of the candidate should s/he be from the same country as one of the Group members. In that regard, the Group agreed that each member would declare any real or perceived potential conflict of interest and whether or not to participate in the shortlisting process and/or interviews on each case under consideration.

15. 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 of all candidates holding decision-making positions in Government or in any other organization or entity and was 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 candidate should state what steps he/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. 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

---

<sup>2</sup> As per paragraph 51 of the annex to Human Rights Council resolution 5/1. Letter from the Chair of the Coordination Committee of Special Procedures (dated 27 January 2016).

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 these mandates.

17. The Group spent some 17 hours interviewing a total of 15 shortlisted candidates for the three aforementioned vacancies. These interviews occurred on 1 and 2 February 2016, 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. All decisions of the Consultative Group were made unanimously.

### **III. Candidates proposed by the Consultative Group to the President for the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Eastern European States**

18. There were five eligible candidates for this vacancy. The Consultative Group interviewed all five shortlisted candidates and decided to recommend the following four candidates as best qualified to fulfil the mandate, ranking them in the order of preference below. Given that two candidates received equal ranking in the third position, the Consultative Group decided to recommend Mr. Babin and Mr. Merezhko in the third place, listing them alphabetically.

**1. Mr. Alexey TSYKAREV (Russian Federation)**

*Indigenous origin: Karelian*

**2. Ms. Polina SHULBAEVA (Russian Federation)**

*Indigenous origin: Selkup*

**3. Mr. Borys BABIN (Ukraine)**

*Indigenous origin: not applicable*

and

**Mr. Oleksandr MEREZHKO (Ukraine)**

*Indigenous origin: not applicable*

19. Mr. Alexey Tsykarev is a Karelian human rights advocate, researcher and leader of the Center for Support of Indigenous Peoples and Civic Diplomacy «Young Karelia», a Russian indigenous youth association. He has extensive knowledge of national and international instruments, norms and principles acquired while participating in various human rights fora and institutions including United Nations mechanisms related to human rights and to indigenous issues. He has provided his expertise to advisory councils and indigenous peoples' institutions and engaged with a variety of stakeholders. Mr. Tsykarev is the current outgoing Eastern European member of the Expert Mechanism (appointed in March 2013 and is eligible for re-appointment pursuant to paragraph 6 of Council resolution 6/36), having served as the EMRIP Chair-Rapporteur in 2015 and Vice-Chair in 2014. The Consultative Group noted that he had a profound understanding of the EMRIP mandate, clear vision of the key issues and current challenges, and a strong commitment and leadership for the promotion and protection of the rights of indigenous peoples.

20. Ms. Shulbaeva is an indigenous leader working as Regional Indigenous Coordinator at the Center for Support of Indigenous Peoples of the North, a Russian non-governmental organization. At the international level, she has represented the indigenous peoples of Siberia in the United Nations Permanent Forum on Indigenous Issues, in processes related to the Convention on Biological Diversity and other international fora. The Consultative Group noted that her expertise, research and consulting experience covered various indigenous issues. The Group also noted her suggestion of using indicators to assess the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

21. Mr. Babin is Head of Department in the Legislation Institute of the Verkhovna Rada of Ukraine, the Ukrainian Parliament, where he conducts research that informs the drafting of new Ukrainian national legislation and policies inter alia on indigenous issues. He previously litigated on behalf of the Ukrainian Government before the European Court of Human Rights and lectured at the Odessa National Maritime Academy and the Donetsk Law Institute. The Consultative Group noted Mr. Babin's academic background in international law and his direct experience with the United Nations human rights mechanisms, including EMRIP, and the OSCE.

22. Mr. Merezhko is currently Professor and Head of the Chair of Law at the Kyiv National Linguistic University (Ukraine) and Professor at the Andrzej Frycz Modrzewski Krakow University (Poland), with extensive teaching experience in public international law, law of international treaties and international humanitarian law. The Consultative Group noted Mr. Merezhko's academic background and motivation.

#### **IV. Candidates proposed by the Consultative Group to the President for the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), member from Latin American and Caribbean States**

23. There were 14 eligible candidates for this vacancy. The Consultative Group interviewed five shortlisted candidates and decided to recommend the following three candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

**1. Ms. Erika YAMADA (Brazil)**

*Indigenous origin: not applicable*

**2. Ms. Elisa CANQUI MOLLO (Plurinational State of Bolivia)**

*Indigenous origin: Aymara*

**3. Mr. Albert DETERVILLE (Saint Lucia)**

*Indigenous origin: Indigenous People (Bethechilokono) of Saint Lucia*

24. Ms. Yamada is a lawyer specialised in indigenous peoples law and policy, currently an independent consultant for indigenous affairs. She has taken up the volunteer position of the 2016 National Rapporteur for Human Rights and Indigenous Peoples in Brazil, created by the main human rights organizations in Brazil. She has worked on indigenous affairs, particularly indigenous peoples' right to lands and social policies for indigenous peoples, in the FUNAI – National Indian Foundation, a governmental indigenous affairs agency in Brazil, which is a public foundation with its own assets and legal personality. Ms. Yamada stated during her interview that she would be on

leave of absence from FUNAI for the duration of the mandate. She has experience working with international and national non-governmental organizations and locally with indigenous communities. The Consultative Group noted, as in previous cases, that her non-indigenous origin was not a hindrance attested by her long engagement in promoting the rights of indigenous peoples, but rather an asset allowing her to engage openly with different stakeholders. The Group noted that Ms. Yamada had the potential to bring a fresh perspective to the EMRIP mandate and was highly motivated to promote the welfare of indigenous peoples.

25. Ms. Canqui Mollo is Aymara researcher, practitioner and an independent consultant with extensive experience in designing and managing projects, capacity building, advocacy work on indigenous issues, most recently as Regional Adviser on extractive industries and indigenous peoples' rights at IBIS, a Danish non-governmental organization. Ms. Canqui Mollo has worked on indigenous peoples' rights at the international, regional and national levels. She served as Member of the United Nations Permanent Forum on Indigenous Issues from 2008 to 2010. The Consultative Group noted her direct experience with the United Nations mechanisms and her extensive engagement with a variety of stakeholders.

26. Mr. Deterville is head of the ALDET Centre – Saint Lucia, a non-governmental organization, and has a strong human rights background on issues concerning indigenous peoples. He has extensive experience at the international, regional and national levels. He has worked with civil society and has a clear understanding of the functioning of different United Nations and regional mechanisms on indigenous issues. He is the current outgoing Latin American and Caribbean member of the Expert Mechanism (appointed in March 2013 and is eligible for re-appointment pursuant to paragraph 6 of Council resolution 6/36), having served as the EMRIP Chair-Rapporteur in 2014 and Vice-Chair in 2015. The Consultative Group noted Mr. Deterville's strong motivation, broad expertise and his efforts to increase the visibility of the EMRIP mechanism in the region of his origin.

**V. Candidates proposed by the Consultative Group to the President for the Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States**

27. There were 13 eligible candidates for this vacancy. The Consultative Group interviewed five shortlisted candidates and decided to recommend the following three candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

- 1. Mr. Surya DEVA (India)**
- 2. Mr. Miloon KOTHARI (India)**
- 3. Ms. Motoko AIZAWA (Japan)**

28. Mr. Deva is an Associate Professor at the School of Law, City University of Hong Kong. He has been researching and teaching in the areas of business and human rights, corporate social responsibility, and law and gender. In 2015 he participated as an independent expert/panellist in the first session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (established by Council resolution 26/9). He organised two Asia-Pacific consultations on the Guiding Principles on Business and Human Rights, conducted human rights training workshops of business managers and advised civil society

organizations. He is one of the founding Editors-in-Chief of the *Business and Human Rights Journal* published by Cambridge University Press and has published books and numerous journal articles on business and human rights. The Consultative Group noted his excellent vision for the implementation of the mandate in a balanced way and his commitment and experience in engaging with States and other stakeholders to have a genuine and transparent dialogue.

29. Mr. Kothari is a self-employed independent practitioner on human rights and social policy, and was formerly a Visiting Scholar at the Massachusetts Institute of Technology (MIT), and the convener of the Working Group on Human Rights in India. Throughout his work with States, national institutions, business leaders and civil society he has applied human rights impact assessment tools to assess the realization, and violations of a range of human rights impacted by projects involving transnational and other business enterprises. He was the former Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (2000-2008). The Consultative Group noted his multi-stakeholder involvement at the international, regional and national levels and experience as a former special procedure mandate holder.

30. Ms. Aizawa is the Managing Director of the Institute for Human Rights and Business, an international think-tank based in the United States of America. She has worked as the Sustainability Advisor at the International Bank of Reconstruction and Development, and led the creation of the Performance Standards of the International Finance Corporation, aligned on the Guiding Principles on Business and Human Rights. The Consultative Group noted her strong motivation and commitment, experience in different countries and regions, and diverse network of contacts and collaborators.

\*\*\*

*Annex I - List of eligible candidates considered by mandate<sup>3</sup>*

**Expert Mechanism on the Rights of Indigenous Peoples (EMRIP),  
Member from Eastern European States**

| <b>Title and first name</b> | <b>Last name</b> | <b>Nationality</b> | <b>Indigenous origin</b> |
|-----------------------------|------------------|--------------------|--------------------------|
| Mr. Borys                   | BABIN            | Ukraine            | Not applicable           |
| Mr. Oleksandr               | MEREZHKO         | Ukraine            | Not applicable           |
| Ms. Polina                  | SHULBAEVA        | Russian Federation | Selkup                   |
| Mr. Alexey                  | TSYKAREV         | Russian Federation | Karelian                 |
| Ms. Lyudmyla                | VESPER           | Ukraine            | Ukraine                  |

**Expert Mechanism on the Rights of Indigenous Peoples (EMRIP),  
Member from Latin American and Caribbean States**

| <b>Title and first name</b> | <b>Last name</b>       | <b>Nationality</b>                    | <b>Indigenous origin</b>                                                  |
|-----------------------------|------------------------|---------------------------------------|---------------------------------------------------------------------------|
| Mr. Tomás                   | ALARCÓN                | Peru                                  | Takana - Aymara                                                           |
| Mr. Alihuen                 | ANTILEO<br>NAVARRETE   | Chile                                 | Mapuche                                                                   |
| Mr. Americo                 | AROCA                  | Peru                                  | Not applicable                                                            |
| Mr. Alvaro                  | BACA                   | Nicaragua                             | Not applicable                                                            |
| Ms. Elisa                   | CANQUI MOLLO           | Bolivia (Plurinational<br>State of)   | Aymara                                                                    |
| Mr. Carlos                  | CHEX                   | Guatemala                             | Maya-Kaqchikel<br>Indigenous People<br>(Bethechilokono) of<br>Saint Lucia |
| Mr. Albert                  | DETERVILLE             | Saint Lucia                           |                                                                           |
| Mr. Alí                     | FERNÁNDEZ CORREA       | Venezuela (Bolivarian<br>Republic of) | Wayuu                                                                     |
| Ms. Gaby                    | GÓMEZ-GARCÍA<br>VARGAS | Bolivia (Plurinational<br>State of)   | Not applicable                                                            |
| Mr. Marcos                  | MATÍAS                 | Mexico                                | Nahua                                                                     |
| Mr. Fortunato               | TURPO<br>CHOQUEHUANCA  | Peru                                  | Quechua - Aymara                                                          |
| Mr. Ronny                   | VELÁSQUEZ              | Venezuela (Bolivarian<br>Republic of) | Not applicable                                                            |
| Mr. Saúl                    | VINCENTE               | Mexico                                | Zapotec                                                                   |
| Ms. Erika                   | YAMADA                 | Brazil                                | Not applicable                                                            |

<sup>3</sup> The list of mandates and candidates is provided in alphabetical order.



**Working Group on the issue of human rights and transnational corporations and other  
business enterprises, member from Asia-Pacific States**

---

| <b>Title and first name</b> | <b>Last name</b> | <b>Nationality</b>   |
|-----------------------------|------------------|----------------------|
| Ms. Motoko                  | AIZAWA           | Japan                |
| Mr. Mohammad                | ALHATTAWI        | United Arab Emirates |
| Ms. Aishah                  | BIDIN            | Malaysia             |
| Mr. Surya                   | DEVA             | India                |
| Mr. Hiroshi                 | ISHIDA           | Japan                |
| Mr. Anohar                  | JOHN             | India                |
| Mr. Miloon                  | KOTHARI          | India                |
| Ms. Neha                    | KUMAR            | India                |
| Mr. Seong-hoon              | LEE              | Republic of Korea    |
| Mr. Xiaohui                 | LIANG            | China                |
| Mr. Yongxiang               | SHEN             | China                |
| Mr. Hidemi                  | TOMITA           | Japan                |
| Mr. Keiichi                 | USHIJIMA         | Japan                |

---

*Annex II – List of shortlisted candidates interviewed by the Consultative Group<sup>4</sup>*

**Expert Mechanism on the Rights of Indigenous Peoples (EMRIP),  
Member from Eastern European States**

| <b>Title and first name</b> | <b>Last name</b> | <b>Nationality</b> | <b>Indigenous origin</b> |
|-----------------------------|------------------|--------------------|--------------------------|
| Mr. Borys                   | BABIN            | Ukraine            | Not applicable           |
| Mr. Oleksandr               | MEREZHKO         | Ukraine            | Not applicable           |
| Ms. Polina                  | SHULBAEVA        | Russian Federation | Selkup                   |
| Mr. Alexey                  | TSYKAREV         | Russian Federation | Karelian                 |
| Ms. Lyudmyla                | VESPER           | Ukraine            | Ukraine                  |

**Expert Mechanism on the Rights of Indigenous Peoples (EMRIP),  
Member from Latin American and Caribbean States**

| <b>Title and first name</b> | <b>Last name</b> | <b>Nationality</b>               | <b>Indigenous origin</b>                        |
|-----------------------------|------------------|----------------------------------|-------------------------------------------------|
| Mr. Tomás                   | ALARCÓN          | Peru                             | Takana - Aymara                                 |
| Mr. Americo                 | AROCA            | Peru                             | Not applicable                                  |
| Ms. Elisa                   | CANQUI MOLLO     | Bolivia (Plurinational State of) | Aymara<br>Indigenous People (Bethechilokono) of |
| Mr. Albert                  | DETERVILLE       | Saint Lucia                      | Saint Lucia                                     |
| Ms. Erika                   | YAMADA           | Brazil                           | Not applicable                                  |

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States**

| <b>Title and first name</b> | <b>Last name</b> | <b>Nationality</b> |
|-----------------------------|------------------|--------------------|
| Ms. Motoko                  | AIZAWA           | Japan              |
| Mr. Surya                   | DEVA             | India              |
| Mr. Hiroshi                 | ISHIDA           | Japan              |
| Mr. Miloon                  | KOTHARI          | India              |
| Mr. Xiaohui                 | LIANG            | China              |

<sup>4</sup> The list of mandates and candidates is provided in alphabetical order.