

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 II – Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

4 March 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 and in alphabetical order of the names of the countries of the members of the Group beginning with Albania, 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 equally amongst the 5 members (3 mandates under the chairmanship of each Consultative Group member). For the first three mandates (Expert Mechanism on the Rights of Indigenous Peoples, members from Eastern European States and Latin American and Caribbean States, and Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Asia-Pacific States) and which were covered in PART I of the Consultative Group report, H.E. Ms. Filloreta KODRA (Albania) served as Chairperson. H.E. Regina Maria Cordeiro DUNLOP (Brazil) declared that she would not participate in the interviews, the post-interview assessment and deliberations on recommendations for the shortlisted candidates under consideration for the fourth mandate (the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), which is covered in the present document, PART II of the Consultative Group report. The Consultative Group decided that H.E. Mr. Amr RAMADAN (Egypt) would serve as Chairperson, as next in the alphabetical order of the names of the countries of the members of the Group, and that he would also serve as Chairperson for the two subsequent mandates to be appointed.

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 are contained in the present document, PART II of the Consultative Group report.

II. Process

6. The Consultative Group held three formal meetings on 19 February and 3 March 2016 to consider candidates for the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which were chaired by H.E. Mr. Amr RAMADAN (Egypt). The Group followed the same process as for the vacancies covered under PART I of its report, and reference is made to the relevant paragraphs 10 to 15 of PART I of its report.

7. The application period for the submission of applications for the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was from 4 January to 4 February 2016, extended to 11 February, due to the initially limited number of applications received.

8. The Consultative Group considered 10 individual applications of 10 candidates for the aforementioned specific vacancy in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications were made public on the designated OHCHR web page¹ of Special Procedures as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 (see annex I of this report).

9. 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 Commission on Human Rights and Council resolutions establishing the specific

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

mandate under consideration. As a result of this ranking exercise, a shortlist of candidates to be interviewed was established for this mandate.

10. The Group interviewed a total of 5 shortlisted candidates for the aforementioned vacancy. These interviews occurred on 19 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 mandate under consideration. All decisions of the Consultative Group were made unanimously.

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

11. There were 10 eligible candidates for this vacancy. The Consultative Group interviewed five shortlisted candidates and decided to recommend the following two as best qualified candidates to fulfil the mandate, ranking them in the order of preference below.

1. Ms. Penelope GREEN (United Kingdom of Great Britain and Northern Ireland)

2. Mr. Stanley Michael LYNK (Canada)

Ms. Green is Professor of Law and Globalisation at Queen Mary University of London, United Kingdom of Great Britain and Northern Ireland. She is also Director of the International State Crime Initiative (ISCI), which is a cross-disciplinary academic research centre. Ms. Green has some 30 years of academic experience and applied academic work, focusing her theoretical and empirical research on the global impact of State criminality, and has published widely on forced evictions. She has extensive human rights field work experience, including monitoring and investigation, in Asia, the Middle East and North Africa. She has previously visited Israel and Palestine and was appointed Adjunct Professor in the Faculty of Law and Public Administration at Birzeit University in the West Bank, Palestine in 2015. She has numerous contacts with many parties in Israel and the occupied territories. The Consultative Group noted that Ms. Green had clearly outlined the challenges and objectives of the mandate, that she was highly motivated, and that she emphasized her broad network of academic, legal and civil society actors in Israel and Palestine which should help in carrying out the mandate.

12. Mr. Lynk is Associate Professor at the Faculty of Law, Western University, London, Ontario, Canada. Before becoming an academic, he practiced labour law in Ottawa and Toronto for a decade. Professor Lynk is a vice-chair with the Ontario Grievance Settlement Board, and has served as a vice-chair with the Ontario Public Service Grievance Board for the last 15 years. He has written widely on the issues of labour law and human rights. He served as a refugee affairs officer based in Jerusalem, working in the Palestinian refugee camps on the West Bank with the United Nations Relief and Works Agency (UNRWA) in 1989 and has visited the area on several occasions. The Consultative Group noted that Mr. Lynk had a concrete vision for implementing the mandate whilst aware of the challenges, and that he outlined his commitment to exploring new ways to work, including through use of modern technology.

Annex I - List of eligible candidates considered²

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

Title and first name	Last name	Nationality
Mr. Saer	AMMAR	Syrian Arab Republic
Ms. Phyllis	BENNIS	United States of America
Ms. Christina	CERNA	United States of America
Ms. Penelope	GREEN	United Kingdom of Great Britain and Northern Ireland
Mr. Vinodh	JAICHAND	South Africa
Mr. Anohar	JOHN	India
Mr. Hussein	KALOUT	Brazil
Ms. Magali	LAFOURCADE	France
Mr. Stanley Michael	LYNK	Canada
Mr. Michael	MANSFIELD	United Kingdom of Great Britain and Northern Ireland

² The list of candidates is provided in alphabetical order.

*Annex II – List of shortlisted candidates interviewed by the Consultative Group*³

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

Title and first name	Last name	Nationality
Ms. Phyllis	BENNIS	United States of America
Ms. Christina	CERNA	United States of America
Ms. Penelope	GREEN	United Kingdom of Great Britain and Northern Ireland
Mr. Hussein	KALOUT	Brazil
Mr. Stanley Michael	LYNK	Canada

³ The list of candidates is provided in alphabetical order.