

Report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of mandate holders to be appointed at the fifty-first session of the Human Rights Council

Addendum: mandate on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

23 September 2022

I. Background

1. In paragraphs 47 and 49 of the annex to its resolution 5/1, the Human Rights Council decided to establish a Consultative Group comprised of Permanent Representatives appointed 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 mandate 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 the mandate holders to be appointed at the fifty-first session of the Human Rights Council are: Ms. Juhara Al-Suwaidi (Qatar), Mr. Abdellah Boutadghart (Morocco), His Excellency Mr. Joaquín Alexander Maza Martelli (El Salvador) and Mr. Tom Neijens (Belgium). The member of the Group from Eastern European States is yet to be nominated. The working cycle of the current Consultative Group commenced on 1 April 2022 and will end on 31 March 2023, pursuant to paragraph 1(b) of Council decision 30/115. The Group held its initial organizational meeting on 7 April 2022.

3. A total of four vacancies of special procedure mandate holders are to be filled at the Council's fifty-first session as follows (listed in alphabetical order):

- 1. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Human Rights Council resolution 43/36)**
- 2. Special Rapporteur on the human rights of internally displaced persons (Human Rights Council resolution 50/6)**
- 3. Special Rapporteur on the independence of judges and lawyers (Human Rights Council resolution 44/8)**
- 4. Working Group on Arbitrary Detention, member from Eastern European States (Human Rights Council resolution 42/22)¹**

4. The vacancy number 1 above – that of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance – was not initially foreseen and arose due to the resignation of the mandate holder, Ms. E. Tendayi Achiume (Zambia), communicated by letter dated 18 July 2022 and effective 1 November 2022.

5. The Consultative Group decided to present its recommendations relating to the unforeseen abovementioned vacancy in an addendum to its report due to the timing of the resignation and the very short time available for launching the call for applications for the unforeseen vacancy.

¹ Appointment to be made provided the mandate itself is extended by the Human Rights Council.

6. Accordingly, on 22 August 2022, the Consultative Group presented its main report² to the President of the Human Rights Council with its list of candidates recommended to the President for the following three initially foreseen mandates (listed in alphabetical order):

1. **Special Rapporteur on the human rights of internally displaced persons (Human Rights Council resolution 50/6)**
2. **Special Rapporteur on the independence of judges and lawyers (Human Rights Council resolution 44/8)**
3. **Working Group on Arbitrary Detention, member from Eastern European States (Human Rights Council resolution 42/22)³**

7. The present addendum, to be read in conjunction with the main report of the Consultative Group dated 22 August 2022, contains the recommendations of the Consultative Group in relation to the following unforeseen mandate:

4. **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Human Rights Council resolution 43/36)**

8. In its second organizational meeting of 26 April 2022, the Consultative Group decided that the chairing function for the interview and selection process for the entire period of 1 April 2022 to 31 March 2023 would be equally shared among its members through a rotation. The Group decided to divide equally the chairing of the interviews for the mandates among the current four Consultative Group members, by alphabetical order of the mandates and of the members' last names. It is understood that such an arrangement is subject to adjustment upon the future nomination of the Consultative Group member from the Group of Eastern European States and upon the possibility of recusal of members of the Group, in accordance with paragraph 13 of President's statement PRST OS/14/2 on the methods of work of the Consultative Group of the Human Rights Council. During the current selection process, the vacancy of the Special Rapporteur on racism is taken last because unforeseen at the time of the planning. The chairing arrangement for the specific mandate under consideration is noted below under the mandate.

II. Process

9. The application period for the submission of applications for the unforeseen vacancy of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was from 21 July to 18 August 2022 (12 noon Geneva time).

10. The Consultative Group initially considered 21 individual applications from 21 eligible candidates submitted for the aforementioned mandate covered in this addendum to the report, in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications of the eligible candidates were made public on the designated web page⁴ of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 and paragraph 26 of President's statement PRST OS/14/2 (see annex I of this addendum).

11. The Consultative Group held two in-person formal meetings on 5 September and one virtual meeting on 21 September 2022 to consider and interview candidates for the aforementioned vacancy. H.E. Mr. Maza Martelli did not participate in the meetings of 5 September 2022.

² <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/appointments/2022-08-23/220822-cg-report-hrc51-to-hrc-president.pdf>

³ Appointment to be made provided the mandate itself is extended by the Human Rights Council.

⁴ See <https://www.ohchr.org/en/hr-bodies/hrc/sp/hrc51>

12. The Consultative Group followed the same methodology as for the vacancies covered in its main report dated 22 August 2022. Reference is made to paragraph 8 as well as paragraphs 12 – 16, 18 and 19 of section II entitled “Process”.

13. The Consultative Group initially held five interviews with five shortlisted candidates for the aforementioned mandate on 5 September 2022 (see annex II of this report for the alphabetical list of interviewees). Following these interviews, the Group decided to rely on the provisions outlined in paragraph 50 of the annex to Human Rights Council resolution 5/1 and paragraph 22 (c) of the annex to Council resolution 16/21, the latter of which provides that “*the Consultative Group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the Group may consider additional candidates with equal or more suitable qualifications for the post. The Group shall interview shortlisted candidates to ensure equal treatment of all candidates.*”

14. Based on this provision, the Consultative Group requested the secretariat to identify and contact possible additional candidates who had previously applied for similar vacancies of special procedure mandate holders, and who had been recommended by the Consultative Group.

15. Drawing on the Secretariat’s inventory, and in accordance with established practice, each member of the Consultative Group individually ranked the most qualified candidates for the vacancy in question. On the basis of the list of ranked candidates, the Group had a discussion and established a shortlist of additional candidates to be interviewed for the mandate.

16. The Secretariat subsequently contacted the additional shortlisted candidates to confirm their interest to be considered for the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. As a result, one additional candidate was interviewed on 21 September 2022 (see annex II of this report).

17. 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 interviews, pursuant to the President’s statements PRST 29/1 and PRST OS/14/2. 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.

18. The Consultative Group carried out interviews by video calls through the platform Webex, and through the platform Zoom when the interviewees requested interpretation.

19. The decisions of the Consultative Group were taken by consensus.

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

20. The meetings held by the Consultative Group in relation to this mandate were chaired by Mr. Tom Neijens (Belgium). Of the six candidates interviewed, the Consultative Group decided to recommend the following three candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

1. Joshua CASTELLINO (M) (India)

2. Ashwini K.P (F) (India)

3. Unity DOW (F) (Botswana)

21. **Joshua CASTELLINO** is the Executive Director of the non-governmental organization Minority Rights Group International, a Professor of Law at Middlesex University, a Visiting Professor of Law at Oxford University, all in the United Kingdom of Great Britain and Northern Ireland. He is also a Visiting Professor at the College of Europe in Natolin, Poland. He has previously worked as a Head of Law Department, a Founding Dean of the School of Law, the Dean of the School of Law and Business School at Middlesex University, and as a Professor of Law at the Transitional Justice Institute of the University of Ulster, all in the United Kingdom. Prior to that, he worked as a Lecturer at the Irish Centre for Human Rights in the National University of Ireland. Mr. Castellino was appointed the Chair of the eighth session of the Forum on Minority Issues in 2015. Mr. Castellino published extensively on administrative, legislative and judicial aspects of racial discrimination. He holds a Bachelor of Commerce degree from Bombay University in India, a Master's in International Law and Politics and a PhD in International Law from Hull University in the United Kingdom. If appointed to the mandate, Mr. Castellino has indicated his readiness to step away from his decision-making position as the Executive Director of Minority Rights Group International. The Consultative Group noted Mr. Castellino's strong expertise in the area of the mandate, his holistic approach in dealing with racial discrimination as a cross-cutting issue, his broad practical experience on the ground and knowledge of the United Nations human rights system, as well as his ability to engage constructively with various stakeholders.

22. **Ashwini K.P** is an Assistant Professor of Political Science at St. Joseph's College, a volunteer with the Friends Charitable Trust and a co-founder of Zariya: Women's Alliance for Dignity and Equality, all in India. She has previously worked as a researcher on the Project Mukti, as a Senior Campaigner in Business and Human Rights with Amnesty International India, as a guest faculty member of the Department of Political Science at Mount Carmel College and as a Lecturer of the Department of Political Science of St. Joseph's College, all in India. Ms. K.P has several publications on the issues of discrimination. She holds a Bachelor of Arts in History, Economics and Political Science from Mount Carmel College, a Masters in Political Science from St. Joseph's College and a Masters in Philosophy and a PhD in South Asian Studies from Jawaharlal Nehru University, all in India. The Consultative Group noted her practical experience relating to the mandate, particularly in the Asian region, and her commitment to the issues related to the mandate.

23. **Unity Dow** is an elected Member of Parliament of Botswana and the Chairperson of Parliamentary Caucus on Women. She has previously worked as a Managing Partner at Dow & Associates in Botswana, as a judge in Nairobi, Kenya, and a Justice of the High Court in Botswana. She was a visiting professor at Columbia University, the University of Cincinnati College of Law and Washington and Lee University, all in the United States of America. She has also worked as the Director of Metlhaetsile Women's Information and Legal Aid Centre and a co-founder and national coordinator of Women and Law in Southern Africa, both in Botswana. She has several publications on legal issues. Ms. Dow holds a Bachelor of Law from the University of Botswana and Swaziland and the University of Edinburgh, as well as honorary doctorates from Kenyon College and Saint Michael's College, both in the United States of America, and from the University of Edinburgh in the United Kingdom of Great Britain and Northern Ireland. The Consultative Group noted her broad vision of the mandate, practical experience in interacting with various stakeholders including States and civil society actors, and her legal expertise relating to the area of the mandate.

*Annex I - List of eligible candidates***Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

First name	Last name	Nationality	Gender
Alexei	AVTONOMOV	Russian Federation	M
Vilna	BASHI	United States of America	F
Joshua	CASTELLINO ⁵	India	M
Karlos A.	CASTILLA JUÁREZ	Mexico	M
Bateer	CHEN	China	M
Haddy	DANDEH JABBIE	Gambia	F
Dominique	DAY	United States of America	F
Unity	DOW	Botswana	F
Bynta	ERNEST	Saint Lucia	F
Irfan	HUSSAIN	Pakistan	M
Satvinder	JUSS	United Kingdom of Great Britain and Northern Ireland	M
Ashwini	K.P	India	F
Xia	LI	China	F
Gehovany	LIMEIRA FIGUEIRA	Brazil	M
Jihad	MASHAMOUN	Sudan	M
Joel Malesele	MODIRI	South Africa	M
Elizabeth	MOSES	Nigeria	F
Kimberley Cy.	MOTLEY	United States of America	F
Vincent	NAMRONA	Central African Republic	M
Ricardo A.	SUNGA III	Philippines	M
Min	TIAN	China	M
Kun	YAO	China	F

⁵ Candidacy submitted under para. 22 (c) of Human Rights Council res. 16/21.

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

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

First name	Last name	Nationality	Gender
Alexei	AVTONOMOV	Russian Federation	M
Vilna	BASHI	United States of America	F
Joshua	CASTELLINO ⁶	India	M
Unity	DOW	Botswana	F
Ashwini	K.P	India	F
Ricardo A.	SUNGA III	Philippines	M

⁶ Candidacy submitted under para. 22 (c) of Human Rights Council res. 16/21.