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Organizational and procedural matters

Joint written statement* submitted by Amnesty International, International Federation for Human Rights Leagues (FIDH), International Lesbian and Gay Association (ILGA), International Service for Human Rights (ISHR), World Organisation against Torture, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 January 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Proposed criteria for selection and appointment of a new mandate holder on the rights to freedom of peaceful assembly and of association: Amnesty International joint written statement to the 34th session of the UN Human Rights Council (27 February – 24 March 2017)

The Human Rights Council will appoint a new Special Rapporteur on the right to freedom of peaceful assembly and of association in March 2017.

Candidacies have now closed and are available [here](#).

Human Rights Council resolution 5/1 sets out the formal criteria that are of “paramount importance while nominating, selecting and appointing mandate-holders:

- (a) expertise;
- (b) experience in the field of the mandate;
- (c) independence;
- (d) impartiality;
- (e) personal integrity; and
- (f) objectivity.”

Resolution 5/1 provides that to be **independent** “individuals holding decision-making positions in Government or in any other organisation or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.” The conflict of interest provision has also been interpreted to mean that candidates are expected to clarify how, if appointed, they would deal with any perceived or actual conflict of interest in relation to governments, inter-governmental organisations, or non-governmental organisations.

Human Rights Council decision 6/102 establishes four technical and objective requirements to be considered in the selection of Special Procedures mandate-holders:

1. qualifications,
2. relevant expertise,
3. established competence and
4. flexibility/readiness and availability of time.

Due consideration should be given to **gender balance** and equitable **geographic representation**, and to an appropriate **representation of different legal systems**. The selected candidate should be a highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights (paras. 39-41).

The following checklist is intended as an interpretive aid for those requirements:

CHECKLIST FOR SELECTION OF CANDIDATES FOR MANDATE OF SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

1. Qualifications (and skills): relevant educational qualifications and equivalent professional experience in the field of human rights.

Checklist:

- A university degree or equivalent in a discipline directly related to the mandate, preferably with a focus on international human rights law, would be highly desirable;
- Academic publications or other published material (articles, studies, reports, research papers or any similar written material demonstrating in-depth knowledge) addressing issues relevant to the mandate, from a human rights perspective;
- Excellent oral and written communication skills in at least one of the UN working languages (English, French and Spanish – knowledge of other widely-used or official UN languages, such as Arabic, Chinese or Russian, would also be an asset);
- Extensive experience in public speaking (for example in expert seminars) as well as in communicating and/or working together with relevant stakeholders, including senior government officials, IGOs, national human rights institutions, NGOs, media and/or non-state actors;
- Diplomatic skills and/or experience.

2. Relevant expertise: knowledge of international human rights instruments, norms, standards and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organisations' work in the area of human rights; proven work experience in the field of human rights.

Checklist:

- Extensive knowledge of international human rights law and standards;
- Several years of progressively responsible work experience in the field of human rights, in particular in relation to the rights to freedom of peaceful assembly and of association;
- Excellent knowledge of the international and regional legal frameworks relevant to the freedom of assembly and association;
- Practical experience in promoting and protecting the rights to freedom of peaceful assembly and of association;
- Excellent knowledge of institutional mandates of the United Nations and/or other international or regional organisations in the area of human rights.

3. Established competence: nationally, regionally or internationally recognised competence related to human rights.

Checklist:

- A demonstrated commitment to human rights law and standards;
- Recognised knowledge and expertise of responding to developments and challenges in the field of the rights to freedom of peaceful assembly and of association;
- Recognized knowledge and experience of human rights-based academic and field research and/or fact-finding methodology, including carrying out fact-finding visits;
- Experience in applying freedom of assembly and association standards, in particular with a view to the promotion and protection of human rights in the context of peaceful protests and in the context of shrinking space for civil society in many countries;
- Experience at national, regional and/or international level in developing legislation, policies and mechanisms for the protection of the rights to freedom of peaceful assembly and of association and in creating a safe and enabling environment for the exercise of this right, including addressing issues related to intimidation, reprisals, and impunity;

- Extensive experience with and proven commitment to working and/or interacting with individuals, groups and civil society whose rights to freedom of peaceful assembly and of association may have been violated or restricted;
- Proven awareness of the particular challenges and risks specific individuals and groups may face and their particular protection needs when exercising their rights to peaceful freedom of assembly and association, including: journalist and press associations, human rights defenders; women; ethnic, religious and linguistic minorities; non-nationals, migrants, refugees and internally displaced people; indigenous people; lesbian, gay, bisexual and transgender people; members of political opposition groups; people with disabilities; people in a disadvantaged socioeconomic situations, and people who experience age discrimination.
- Experience in the development and delivery of assistance and capacity building in human rights and the rule of law, including as relevant to training of law enforcement officials and legal professionals and other officials responsible for the protection of human rights;
- Knowledge and sensitivity to the issue of reprisals or intimidation experienced by persons who interact with the mandate in any way.

4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

Checklist:

- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices affecting the enjoyment of the rights to freedom of peaceful assembly and of association;
- Energy, determination and vision to promote and protect the rights to freedom of peaceful assembly and of association wherever they are at risk;
- Preparedness and willingness and ability to devote a substantial proportion of working hours to fulfilling the mandate, which includes undertaking two country missions per year, preparing and presenting reports to the Human Rights Council and the General Assembly (such as the annual thematic report, and country mission and follow-up reports), attending seminars and other UN meetings and acting on individual cases of violations of the right to freedom of peaceful assembly and of association;
- Willingness and ability to act urgently on cases or situations requiring immediate attention.
- A demonstrated commitment to human rights in general, and a commitment to uphold the integrity, objectivity, discretion, independence and impartiality of the Special Rapporteur's mandate and the Special Procedures system as a whole.

*Alkarama Foundation, NGOs without consultative status, also shares the views expressed in this statement.