

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 thirtieth session of the Human Rights Council

17 September 2015

I. Background

1. In its resolution 5/1, the Human Rights Council decided to establish a Consultative Group¹ 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.²

2. The members of the Consultative Group for the selection of mandate holders to be appointed at the thirtieth session of the Human Rights Council are: H.E. Mr. Alexandros ALEXANDRIS, Permanent Representative of Greece; H.E. Mr. Boudjemâa DELMI, Permanent Representative of Algeria; H.E. Ms. Marta MAURÁS, Permanent Representative of Chile; H.E. Mr. Rytis PAULAUSKAS, Permanent Representative of Lithuania (since 1 August 2015) and H.E. Mr. Faisal TRAD, Permanent Representative of Saudi Arabia.

3. For this selection cycle, the Consultative Group decided that H.E. Mr. Faisal TRAD would continue serving as Chairperson and H.E. Mr. Alexandros ALEXANDRIS as Vice-Chairperson of the Group.

II. Process

4. The Consultative Group held five formal meetings on 7, 9 and 11 September 2015 to consider candidates for the following three vacancies (listed in alphabetical order):

1. **Special Rapporteur in the field of cultural rights** [HRC res. 28/9];
2. **Working Group of Experts on People of African Descent, member from Latin American and Caribbean States** [HRC res. 27/25];
3. **Working Group on Enforced or Involuntary Disappearances, member from Eastern European States** [HRC res. 27/1].

5. H.E. Mr. Faisal TRAD chaired all the above-mentioned meetings held by the Consultative Group in this selection round.

6. The deadline for the submission of applications for the mandate of the Special Rapporteur in the field of cultural rights was from 21 May 2015 to 18 June, extended to 7 July 2015. The deadline

¹ As per paragraph 47 of the annex to Human Rights Council resolution 5/1.

² As per paragraph 50 of the annex to Human Rights Council resolution 5/1.

for the Working Group of Experts on People of African Descent, member from Latin American and Caribbean States, was from 20 July to 19 August, extended to 31 August 2015. The deadline for the Working Group on Enforced or Involuntary Disappearances, member from Eastern European States, was from 20 July to 19 August, extended to 31 August and subsequently further extended to 7 September 2015. All the extensions of deadline were necessary due to the initially limited pool of eligible candidates.

7. In this regard, the Consultative Group wishes to note that the Eastern European region continues to be under-represented in applications received from eligible candidates. The Group would like to encourage nationals of the States of the region to apply for vacant positions of mandate holders.

8. The Consultative Group considered 56 individual applications of 56 candidates for the 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 page³ of Special Procedures as provided for in paragraph 22 (b) of annex to Council resolution 16/21 (see annex I of this report).

9. 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. 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.⁴ Due attention was paid to geographical and gender balance considerations in their deliberations. For the latter, the Consultative Group had before it the paper on Gender Parity adopted at its previous session.

10. The Consultative Group discussed ways to alleviate concerns about the issue of a conflict of interest arising when, for example, a candidate of the same nationality as a member of the Consultative Group was being considered. While there was no innovation on the procedure followed at its previous session (to refrain from participating in interviews), the members followed a disclosure procedure for those cases where a real or perceived conflict of interests could arise.

11. 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 candidates 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 candidates would relinquish any functions or duties that may give rise to an accumulation of human rights functions and/or any potential conflict of interest.

12. In accordance with established practice, it was decided that each member of the Consultative Group would 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

³ <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC30.aspx>.

⁴ As per paragraph 51 of the annex to Human Rights Council resolution 5/1. Letters from the Chairperson of the Coordination Committee of Special Procedures (dated 9 January 2014 and 16 July 2015).

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.

13. The Consultative Group reaffirmed its commitment to ensuring the best possible candidates are recommended to the positions under consideration.

14. The Group spent some 18 hours interviewing a total of 21 shortlisted candidates for the three aforementioned vacancies. These interviews occurred on 7, 9 and 11 September 2015, 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.

15. In conducting telephone interviews, the Consultative Group faced technical and linguistic challenges due to the fact that some candidates could not be made understood in English, which is presently the working language of the Group in view of the lack of official United Nations interpretation.

III. Candidates proposed by the Consultative Group to the President for the Special Rapporteur in the field of cultural rights

16. There were 38 eligible candidates for this vacancy. The Consultative Group interviewed eight shortlisted candidates and decided to recommend the following five candidates as best qualified to fulfil the mandate, ranking them in the order of preference below.

1. Ms. Karima BENNOUNE (United States of America)

2. Ms. Alexandra XANTHAKI (Greece)

3. Ms. Yvonne DONDERS (Netherlands), Mr. Elio MENZIONE (Italy) and Ms. Ana Filipa VRDOLJAK (Croatia)

Given that three candidates received equal rating in the third position, the Consultative Group decided to recommend Ms. Donders, Mr. Menzione and Ms. Vrdoljak in the third place, listing them alphabetically.

17. Ms. Bennoune is Professor of Law at the University of California Davis School of Law whose academic work has focused on international human rights law and policy, including cultural rights, women's human rights and freedom of religion. She has won numerous awards for her research and writing about international human rights and has engaged with various stakeholders across regions. Ms. Bennoune has published and lectured widely and conducted extensive human rights field research in diverse settings. The Consultative Group noted Ms. Bennoune's strong understanding of current and topical issues in the field of cultural rights, and a clear vision for the Special Rapporteur mandate, building and expanding on the work of her predecessor.

18. Ms. Xanthaki is Director of the Human Rights Centre and Reader in Law at Brunel University, teaching international human rights law including issues relating to cultural diversity and multiculturalism. Her academic work and numerous publications have covered various cultural rights themes including cultural heritage, customary legal systems and indigenous cultural rights. Ms. Xanthaki has engaged with United Nations mechanisms such as the Forum on Minority Issues and the Expert Mechanism on the Rights of Indigenous Peoples. The Consultative Group noted Ms. Xanthaki's experience with international human rights mechanisms and motivation and enthusiasm for the position, including by engaging multiple stakeholders.

19. Ms. Donders is Professor of International Human Rights and Cultural Diversity and Director of the Amsterdam Center for International Law at the Law Faculty of the University of Amsterdam where she focuses on research and teaching on human rights and cultural diversity. Ms. Donders has served in several related expert groups or advisory boards on human rights and culture. The Consultative Group noted her relevant experience and stated intention to translate academic ideas into policy-oriented and practical recommendations.

20. Mr. Menzione is a retired diplomat since 1 September 2014, having served as Ambassador in several countries. His diplomatic postings enabled him to gain knowledge of institutional mandates and direct experience with the work of human rights mechanisms. In his capacity as the former Deputy Director General for Cultural Promotion at the Ministry of Foreign Affairs of Italy, he closely followed the activities of UNESCO and engaged in the negotiation of bilateral cultural and scientific agreements. The Consultative Group noted his stated interest notably in the protection of cultural heritage.

21. Ms. Vrdoljak is a practising lawyer and Professor of Law, Associate Dean (Research) and Director of the Law Research Centre at the Faculty of Law, University of Technology Sydney. She has been a consultant and legal expert for various international, regional intergovernmental organizations and national bodies, including UNESCO, and civil society organizations focused on culture. The Consultative Group noted her diverse experience as a lawyer and historian in engaging with various actors across disciplines.

IV. Candidates proposed by the Consultative Group to the President for the Working Group of Experts on People of African Descent, member from Latin American and Caribbean States

22. There were 10 eligible candidates for this vacancy. The Consultative Group interviewed six 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. Ahmed REID (Jamaica)

2. Mr. Carlos QUESADA (Costa Rica)

3. Ms. Rita PEMBERTON (Trinidad and Tobago)

23. Mr. Reid is Assistant Professor of Caribbean History at the City University of New York. He has focused his research on the transatlantic slave trade, gender and reparatory justice, and has also published in peer-reviewed academic journals on these issues. Mr. Reid has knowledge of various

United Nations mandates and has been invited as a presenter at a UNESCO sub-regional conference and as guest speaker during the 12th session of the Working Group in Geneva. The Consultative Group noted his stated interest to further work on the links between history and social justice, and how education can be used as a tool for social development by sensitizing people of African Descent of their cultural and scientific contributions. The Consultative Group appreciated his experience in the area of the mandate.

24. Mr. Quesada is a human rights lawyer and the Executive Director of the non-governmental organization International Institute on Race, Equality and Human Rights based in Washington, D.C. His work focuses on technical assistance and capacity-building to train other organizations and individuals to access the human rights mechanisms such as the United Nations treaty bodies, special procedures and the Inter-American Commission on Human Rights. The Consultative Group noted his extensive capacity-building expertise, knowledge of institutional mandates and experience in the area of the mandate.

25. Ms. Pemberton worked as Senior Lecturer in history at the University of the West Indies in Trinidad and Tobago until 2013 when she retired. She is President emeritus of the Trinidad and Tobago Organization for People of African Descent (TTOPAD), a non-governmental organization based in Trinidad and Tobago. Ms. Pemberton has knowledge and understanding of the United Nations and its agencies, and has been invited as guest speaker during the 12th session of the Working Group in Geneva. The Consultative Group noted her interest in enhancing the process of educating others about the mandate and activities of the Working Group and to fighting gender bias and other human rights abuses in the region.

V. Candidates proposed by the Consultative Group to the President for the Working Group on Enforced or Involuntary Disappearances, member from Eastern European States

26. There were eight eligible candidates for this vacancy. The Consultative Group interviewed seven 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. Henrikas MICKEVICIUS (Lithuania)

2. Ms. Nicoleta MUNTEAN (Republic of Moldova)

3. Ms. Penelopa GJURCHILOVA (the former Yugoslav Republic of Macedonia)

27. Mr. Mickevicius is a visiting professor at the Emory University, School of Law in Atlanta in the United States of America and the founder and currently serving in an honorary senior advisory role at the Human Rights Monitoring Institute, a non-governmental organization based in Lithuania. He has extensive experience in litigation before national courts (both as a judge and a lawyer), international judicial and quasi-judicial bodies. He has trained legal professionals throughout Central and Eastern Europe on various human rights issues, including disappearances and incommunicado detention and has taught international human rights law. The Consultative Group noted his extensive professional experience at the national, regional and international level, multi-stakeholder engagement and strong commitment in implementing the mandate of the Working Group.

28. Ms. Muntean is a human rights consultant working with OHCHR in the Republic of Moldova. Ms. Muntean has worked with the United Nations and other international or regional organizations such as the ICC, IOM and OSCE at both headquarters and in the field and has experience in the field of the mandate. The Consultative Group noted her practical and pragmatic approach in overcoming challenges related to the implementation of the mandate of the Working Group.

29. Ms. Gjurchilova has worked as an international consultant in the field of human rights, with UN Women in South Eastern Asia, ODIHR in Warsaw and OSCE in South Eastern Europe. As a former diplomat she acquired knowledge of institutional mandates related to the United Nations and in particular about the humanitarian mandate of the Working Group. The Consultative Group noted her skills at building informal networks and reaching out to a range of stakeholders.

VI. Concluding remarks

30. The Consultative Group affirmed its commitment to maintaining the confidentiality and transparency of its working methods, documentation and deliberations. It further affirmed that the Secretariat should continue to assist the Group and be present throughout the selection process. The Group expressed its appreciation for the support received from the Secretariat.

Annex I - List of eligible candidates considered by mandate⁵

Special Rapporteur in the field of cultural rights

Title and first name	Last name	Nationality
Mr. Amar	AMAR SINGH	India
Mr. Ivo Mbongaya	ARREY	Cameroon
Mr. Jagmohan	BAJAJ	India
Ms. Karima	BENNOUNE	United States of America
Ms. Christina	CERNA	Nicaragua
Ms. Myrna	CUNNINGHAM	Nicaragua
Mr. Antoon	DE BAETS	Belgium
Mr. Jan	DE GROOF	Belgium
Ms. Yvonne	DONDERS	Netherlands
Mr. Mohab	ELSHORBAGI	Egypt
Mr. Amareswar	GALLA	Australia
Ms. Laura	GARCÍA JUAN	Spain
Mr. Olivier	GONNET	France
Ms. Jayashree	GUPTA	India
Mr. Jean Baptiste	HARELIMANA	Rwanda
Ms. Lucina	JIMENEZ	Mexico
Ms. Alice	KAMAU	Kenya
Mr. Armel Bonnisseur	KOOHO A KEMOUM	Cameroon
Ms. Magali	LAFOURCADE	France
Ms. Haina	LU	China
Mr. Vittorio	MAINETTI	Italy
Mr. Elio	MENZIONE	Italy
Mr. Patrice	MEYER-BISCH	Switzerland
Ms. Alice	MOGWE	Botswana
Mr. Tom	ONYANGO	Kenya
Mr. Jordi	PASCUAL	Spain
Mr. Sushil	RAJ	India
Ms. Krishendaye	RAMPERSAD	Trinidad and Tobago
Ms. Alison	RENTELN	United States of America
Mr. Herve	RICHARD-COCHET aka FERDINAND RICHARD	France
Mr. Abdallah	SAAF	Morocco
Ms. Lea	SHAYER	United States of America
Ms. Asabe	SHEHU YAR ADUA	Nigeria

⁵ The list of mandates and candidates is provided in alphabetical order.

Ms. Patricia	SUKORE	Nigeria
Ms. Madhavi	SUNDER	United States of America
Mr. Dhirendra	VERMA	India
Ms. Ana Filipa	VRDOLJAK	Croatia
Ms. Alexandra	XANTHAKI	Greece

**Working Group of Experts on People of African Descent,
Member from Latin American and Caribbean States**

Title and first name	Last name	Nationality
Mr. Carlos Federico	FEO ACEVEDO	Venezuela (Bolivarian Republic of)
Ms. Patricia Micheli	FOLADOR	Brazil
Ms. Blenda Lara	FONSECA DO NASCIMENTO	Brazil
Ms. Claudia	MOSQUERA ROSERO	Colombia
Mr. Rocío	MUÑOZ FLORES	Peru
Ms. Rita	PEMBERTON	Trinidad and Tobago
Mr. Carlos	QUESADA	Costa Rica
Mr. Ahmed	REID	Jamaica
Mr. Clare	ROBERTS	Antigua and Barbuda
Ms. Barbara Oliveira	SOUZA	Brazil

**Working Group on Enforced or Involuntary Disappearances,
Member from Eastern European States**

Title and first name	Last name	Nationality
Ms. Penelopa	GJURCHILOVA	The former Yugoslav Republic of Macedonia
Ms. Suzana	MATEJIĆ	Serbia
Mr. Henrikas	MICKEVICIUS	Lithuania
Ms. Nicoleta	MUNTEAN	Republic of Moldova
Mr. Vehid	SEHIC	Bosnia and Herzegovina
Mr. Goran	ŠIMIĆ	Bosnia and Herzegovina
Mr. Alexandr	SOLNTSEV	Russian Federation
Mr. Maxim	TIMOFEEV	Russian Federation

Annex II – List of shortlisted candidates interviewed by the Consultative Group⁶

Special Rapporteur in the field of cultural rights

Title and first name	Last name	Nationality
Ms. Karima	BENNOUNE	United States of America
Ms. Yvonne	DONDERS	Netherlands
Ms. Lucina	JIMENEZ	Mexico
Mr. Elio	MENZIONE	Italy
Ms. Alison	RENTELN	United States of America
Mr. Abdallah	SAAF	Morocco
Ms. Ana Filipa	VRDOLJAK	Croatia
Ms. Alexandra	XANTHAKI	Greece

**Working Group of Experts on People of African Descent,
Member from Latin American and Caribbean States**

Title and first name	Last name	Nationality
Ms. Claudia	MOSQUERA ROSERO	Colombia
Ms. Rita	PEMBERTON	Trinidad and Tobago
Mr. Carlos	QUESADA	Costa Rica
Mr. Ahmed	REID	Jamaica
Mr. Clare	ROBERTS	Antigua and Barbuda
Ms. Barbara Oliveira	SOUZA	Brazil

**Working Group on Enforced or Involuntary Disappearances,
Member from Eastern European States**

Title and first name	Last name	Nationality
Ms. Penelopa	GJURCHILOVA	The former Yugoslav Republic of Macedonia
Ms. Suzana	MATEJIĆ	Serbia
Mr. Henrikas	MICKEVICIUS	Lithuania
Ms. Nicoleta	MUNTEAN	Republic of Moldova
Mr. Vehid	SEHIC	Bosnia and Herzegovina
Mr. Goran	ŠIMIĆ	Bosnia and Herzegovina
Mr. Maxim	TIMOFEEV	Russian Federation

⁶ The list of mandates and candidates is provided in alphabetical order.