



International Network for Economic, Social & Cultural Rights  
Red Internacional para los Derechos Económicos, Sociales y Culturales  
Réseau international pour les droits économiques, sociaux et culturels  
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

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Esteemed members of the Consultative Group to the Human Rights Council,

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of over 250 organizational and individual members in 68 countries.

The Network and its members have, over time, utilized the various mechanisms of the United Nations human rights system in order to promote the effective realization of human rights and the application of international standards in concrete situations. In this connection, ESCR-Net has appreciated the constructive and effective contributions that mandate-holders have made to advancing economic, social and cultural rights as well as civil and political rights. We are pleased to note that many of these independent experts have demonstrated quality, expertise, independence and commitment to upholding and advancing human rights standards, consistent with criteria established in Human Rights Council (HRC) resolution 5/1, HRC decision 6/102 and HRC Resolution 16/21.

Human Rights Council Resolution 5/1 sets general criteria that are of 'paramount importance while nominating, selecting and appointing mandate-holders' which include: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity.' The Resolution also states that due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems. In addition, HRC Decision 6/102 establishes four technical and objective requirements (qualifications, relevant expertise, established competence and flexibility/readiness and availability of time) to be considered in the selection of Special Procedures mandate-holders.

In light of the upcoming appointment of several new mandate-holders to the Special Procedures of the UN Human Rights Council, we offer the following collective statement regarding the criteria for the selection of new experts to serve as mandate-holders, outlined in HRC Resolution 5/1, annex.

Regarding the criteria of *relevant expertise*, all mandate-holders should possess extensive knowledge of international human rights law and standards, including the specific norms and standards that correspond to the mandate in-question (such as, for example, the Guiding Principles on Extreme Poverty and Human Rights, the Basic Principles and Guidelines on Development-Based Evictions and Displacement, etc).

The requirement of *experience in the field of the mandate* establishes the expectation that nominees would have practical work experience with the specific issues, populations and

institutions relevant to the mandate. Nominees should have a demonstrated track record of the effective application of human rights standards to specific situations related to the mandate as well as the capacity to conduct research and carry out fact-finding missions. They should also demonstrate recognition of the particular vulnerability of certain groups and a commitment to applying the norms and standards of international human rights law in ways that address said vulnerability.

With regards to the criterion of *independence*, HRC Resolution 5/1 (art. 46) states that ‘individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.’ This criterion is often applied mainly with reference to ‘individuals holding decision-making positions in Government or in any other organization or entity.’ While we applaud this important consideration, we submit that the independence of mandate-holders must also apply to disclosure of relationships with companies, investment firms or other business enterprises that might interfere with their independence. Given the fact that so many human rights issues brought before the UN Special Procedures increasingly relate to the impacts of companies and other business entities, independence from affiliations or allegiances with private sector actors is therefore a critical requirement for candidates.

The criterion of *impartiality* requires that nominees be capable of and willing to assess relevant situations without prejudice towards any party but based on a fair assessment of the facts in the light of relevant human rights standards. Nominees should not act in support of the particular positions of any government, institution or other interest group, except as they align with a clear evaluation of a given situation based on an objective interpretation of the facts and relevant human rights standards.

The *personal integrity* of mandate-holders is, likewise, paramount. The individuals who are selected to serve the Special Procedures of the Human Rights Council must demonstrate a commitment to ensuring that their actions, communications, analysis and recommendations are not being influenced or informed by personal interests, material or otherwise. Nominees should take all possible measures to ensure that their actions or omissions do not raise questions regarding the potential personal benefits accrued to the mandate-holders as a result of their work and, if they do, that they are addressed immediately, in a manner that is transparent and accountable.

The criterion of *objectivity* requires that a mandate-holder have a demonstrated ability to undertake a robust investigation of a situation, aware of and working to address any personal bias or opinion that might interfere with the legitimacy of a given investigation or report. In this regard, mandate-holders should be guided by a demonstrated commitment to upholding human rights, which should serve as the objective standard against which situations are evaluated.

Finally, ESCR-Net wishes to remind the Consultative Group that the various human rights mandates of the Special Procedures are not intended to be carried out in isolation from one another. We welcome recent efforts by a number of current Special Procedure mandate-holders to issue joint communications and other measures to ensure greater collaboration between human rights experts. Consistent with this important advance, the recognition of the indivisibility and interdependence of all human rights should be understood as a relevant aspect of the above-mentioned criteria for the selection of possible appointees.

We appreciate your consideration of these recommendations as you evaluate potential candidates in the coming period.

Sincerely,



Chris Grove, Director  
ESCR-Net