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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Amnesty International, Asian Forum for Human Rights and Development, International Commission of Jurists, International Federation for Human Rights Leagues, International Service for Human Rights, 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.

[22 August 2013]

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

Proposed criteria for selection of candidates for membership of the Working Group on Arbitrary Detention

The President of the Human Rights Council will appoint two members of the Working Group on Arbitrary Detention in March 2014¹ and one in June 2014².

Proposed candidates for the vacancies should be put forward on the basis of technical, professional and other requirements.

Human Rights Council (HRC) resolution 5/1 sets general 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.’

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.

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

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 specialising in Human Rights, International Criminal Law or International Humanitarian Law;
- Academic publications or other published material (articles, studies, reports, research papers or any similar written material demonstrating in-depth knowledge) on human rights issues relevant to the mandate;
- 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 as well as in communicating and/or working together with relevant stakeholders, including governments, security forces, IGOs, national human rights institutions, NGOs, media and/or non-state actors.

2. ***Relevant expertise: knowledge of international human rights instruments, norms 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 arbitrary detention or related human rights violations;
- Excellent knowledge of the international and regional legal frameworks and case law relevant to the protection against arbitrary detention, reparation for victims and their families, prosecution and sanction of perpetrators and other related matters as well as of institutional mandates of the UN or other international or regional organisations in this area of human rights.

¹ From the African Group and the Latin American and Caribbean Group (GRULAC).

² From the Asia-Pacific Group.

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

Checklist:

- Knowledge of criminal and/or administrative law procedures and policies pertaining to detention and actual in-depth experience in investigating cases/aspects of arbitrary detention;
- Knowledge of NGO, academic institutions and other expert's work in the field of arbitrary detention;
- Knowledge of human rights-based research and/or fact-finding methodology;
- Extensive experience in critically analysing human rights related information and data, in order to review individual cases as well as identify trends and challenges, and make effective recommendations;
- The ability to conduct both academic and field research required in conducting fact-finding missions;
- Experience in visiting places of detention and other institutions where persons may be deprived of their liberty.
- Experience in working with authorities and other relevant actors responsible for cases/aspects of arbitrary detention and with family members of victims;
- Experience in handling cases of arbitrary detention before judicial and quasi-judicial bodies would also be an asset;
- Sensitivity to the particular vulnerabilities of specific persons and groups who experience or suffer disproportionately from arbitrary detention;
- Sensitivity to the issue of reprisals or intimidation suffered by persons who communicate with the Working Group, persons who were the subject of an urgent appeal or individual case investigation, and persons who applied a recommendation of the Working Group.

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 to conduct in-country investigations, in all regions of the world, into alleged cases of or phenomena related to detention imposed arbitrarily or otherwise inconsistently with the relevant international standards;
- Preparedness and willingness to devote a substantial amount of time to fulfilling the mandate, which includes participation on at least one field-mission per year, attending three meetings of the Working Group throughout the year, participating in preparing reports to the Human Rights Council, including annual reports and country mission reports and attending seminars and other UN meetings;
- Ability to act urgently and efficiently 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 Working Group's mandate;
- A strong and independent personality ready to fulfil the Working Group's mandate under political pressure.

Alkarama Foundation NGO(s) without consultative status, also share the views expressed in this statement.