



# General Assembly

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## Human Rights Council

### Fourteenth cycle

Organizational meeting

16 December 2020

Agenda item 5

### Human rights bodies and mechanisms

## Statement by the President

### PRST OS/14/2. Methods of work of the Consultative Group of the Human Rights Council

At the organizational meeting of the Human Rights Council held on 16 December 2020, the President of the Council made the following statement:

The Human Rights Council,

Guided by the Charter of the United Nations and General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011,

Reaffirming Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council, decision 6/102 of 27 September 2007 on the follow-up to Human Rights Council resolution 5/1, resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Council, President's statement 29/1 of 3 July 2015 on enhancing the efficiency of the Human Rights Council and decision 30/115 of 1 October 2015 on the follow-up to President's statement PRST 29/1,

Decides to adopt the methods of work of the Consultative Group of the Human Rights Council as set out in the annex to the present statement.



## **Annex**

### **Methods of work of the Consultative Group of the Human Rights Council**

The work of the Consultative Group is guided by Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council, decision 6/102 of 27 September 2007 on the follow-up to Council resolutions 5/1, and Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Council.

#### **I. Members of the Consultative Group**

##### **A. Composition**

1. The Consultative Group consists of five members, who are appointed by their respective Regional Groups and serve in their personal capacity.
2. High-level representation by all Regional Groups as well as relevant experience and knowledge of the United Nations human rights system by the members of the Consultative Group are strongly encouraged.

##### **B. Function**

3. The Consultative Group shall propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements.
4. In performing their function, the members of the Consultative Group shall respect the principles of independence, impartiality and objectivity.

##### **C. Terms of office**

5. Each member of the Consultative Group shall serve for one year, commencing on 1 April and ending on 31 March the following year.

##### **D. Resignation**

6. The resignation of a member of the Consultative Group shall be notified in writing to the President of the Human Rights Council and to the other members of the Consultative Group through its secretariat.
7. The Regional Group that nominated the resigning member shall, without delay, designate a new member to serve for the remainder of the term.

#### **II. Secretariat of the Consultative Group**

8. The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Consultative Group. It shall provide the necessary support for the meetings and the effective performance of the functions of the Consultative Group.

#### **III. Modalities of the Consultative Group**

##### **A. Languages**

9. The working languages of the United Nations Secretariat shall be the working languages of the Consultative Group.

**B. Sessions**

10. At the beginning of each work cycle of the Consultative Group, the Consultative Group shall decide on the indicative dates of its sessions, upon proposals submitted by the secretariat.

**C. Chairing arrangements**

11. For each work cycle, the Consultative Group shall agree on its chairing arrangements for the selection processes before its sessions.

**D. Confidentiality**

12. The process of deliberation and decision-making by the Consultative Group, including its related documentation shall be confidential.

**E. Conflicts of interest of members of the Consultative Group**

13. When a candidate of the same nationality as a member of the Consultative Group is under consideration, or when a member of the Consultative Group considers themselves to be in any other situation that may give rise to a conflict of interest, the said member shall disclose the conflict of interest and recuse themselves from participating in the deliberation and decision-making process of the mandate concerned for as long as the candidate at the origin of the conflict of interest is under consideration.

**F. Self-disclosure of lobbying**

14. While the members of the Consultative Group should not be lobbied with regard to applications of candidates, they shall, in the event that they have been approached by any Member State, organization or individual with regard to the application of a candidate, inform the other members of the Consultative Group in order to ensure maximum transparency.

**IV. Application stage****A. Calls for applications**

15. At the beginning of each work cycle of the Consultative Group, the secretariat shall publish on its website a list of the foreseeable vacancies for the entire cycle. A call for applications for foreseeable vacancies shall be sent out at least three and a half months prior to the beginning of the session at which the Council is to consider the relevant appointments.

16. The call for applications shall be open for at least six weeks. The Consultative Group shall have at least four weeks to carry out the selection process.

17. In the event of unforeseen vacancies, and in order to avoid protection gaps in the area of the vacant mandate, the call for applications shall be launched as soon as possible and the Consultative Group shall be ready to proceed with the selection process to ensure the appointment of the mandate holders without delay.

18. The call for applications shall be published by the secretariat in all six official languages of the United Nations, and be widely disseminated among different actors, such as States, regional organizations, United Nations field presences, independent experts, national human rights institutions and networks and federations of civil society organizations or academic institutions, particularly in underrepresented regions, including on social media. Regional Coordinators and Member States are strongly encouraged to further disseminate the call for applications.

19. The secretariat shall make available on its website, and attach to the call for applications, public information material on the application and selection process of mandate holders, in all six official languages of the United Nations.

20. The secretariat shall, maintain a standardized application form in accordance with Human Rights Council resolution 5/1. The form may be reviewed and updated by the Consultative Group during the course of its term.

21. The application form shall include questions relevant to the general criteria and technical and objective requirements for mandate holders. Candidates shall submit an application for each specific mandate, together with personal data, and a motivation letter, including their vision of the mandate, of no longer than 600 words.

22. Each candidate shall indicate their nationality or nationalities, should they have more than one.

23. Applications shall be submitted in one of the working languages of the United Nations Secretariat.

24. The secretariat will provide the Consultative Group with a list of eligible candidates for each vacancy together with the completed application form of each candidate and letters of support, if any.

25. The secretariat will bring to the attention of the Consultative Group the list of non-eligible candidates who had applied for each vacancy, together with relevant reasons for non-eligibility.

26. The secretariat will make available the list of eligible candidates for each vacancy on the website of the Office of the High Commissioner.

**B. Extension of the deadline for applications**

27. In the event that an insufficient number of applications has been received from eligible candidates in line with Human Rights Council resolution 5/1, the deadline for applications for the vacancy concerned may be extended.

28. In the event that the deadline for applications has been extended, the President of the Council shall be duly informed.

**C. Information provided by the secretariat**

29. The secretariat shall prepare, maintain, regularly update and publish on its website, disaggregated statistics on mandate holders since the establishment of the Council, including on gender and geographic representation. The secretariat should also take steps towards exploring how to prepare information on the representation of different legal systems related to mandate holders, where relevant and available.

30. The secretariat shall provide the Consultative Group with the terms of reference for each of the vacant mandates, information on previous mandate holders and any additional relevant information requested by the members of the Consultative Group.

**V. Shortlisting of candidates**

**A. Consideration of applications and selection of candidates for interview**

31. While shortlisting candidates for interviews, the Consultative Group shall consider general criteria of paramount importance: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity, in accordance with paragraph 39 of the annex to Human Rights Council resolution 5/1. The Consultative Group shall consider the following technical and objective requirements: (1) qualifications; (2) relevant expertise; (3) established competence; and (4) flexibility/readiness and availability of time, in accordance with Human Rights Council decision 6/102. Due consideration should be given to geographical and gender balance, as well as to appropriate representation of different legal systems, in accordance with paragraph 40 of the annex to Human Rights Council resolution 5/1.

32. The Consultative Group should assess the applications based on their substance, without prejudice to the level of fluency of the candidate in the language of their application, while recognizing the importance of multilingualism in the activities of the United Nations.

33. The Consultative Group should take into account, as appropriate, the views of stakeholders, including those of current or outgoing mandate holders, in determining the necessary expertise, experience, skills and other relevant requirements for each mandate.

34. After consideration of the above-mentioned elements, each member of the Consultative Group shall rank five candidates he or she regards as the most qualified for each individual mandate and communicate his or her preferences to the secretariat. Based on the number and quality of applications received, the Consultative Group may also decide to rank fewer or more than five candidates for a particular selection process. On the basis of the list of ranked candidates and the mathematical score assigned to them, and after consideration of all elements outlined in paragraph 31 above, the Consultative Group shall, have a discussion in order to decide which candidates will be invited for an interview.

#### **B. Non-accumulation of functions and conflicts of interest of candidates**

35. The principle of non-accumulation of human rights functions held at a time shall be respected.

36. Individuals holding decision-making positions in government or in any other organization or entity that may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.

37. The secretariat shall provide information on a case-by-case basis on the potential for accumulation of human rights functions and conflict of interest in order to allow the members of the Consultative Group to make further inquiries with candidates during interviews.

38. The Consultative Group shall request candidates to elaborate further during the interview on any perceived conflict of interest and, when necessary, request further clarification in writing.

### **VI. Interviews**

39. The secretariat shall invite shortlisted candidates to an interview.

40. The interview process shall be chaired by a member of the Consultative Group. Interviews shall be conducted by telephone or, wherever possible, by video call.

41. The members of the Consultative Group should be present for all interviews.

42. The secretariat shall make the recordings of interviews available to the members of the Consultative Group.

43. At the time of the call for applications, the secretariat shall share with the Consultative Group a list of questions asked during previous interviews for each mandate to be considered so that the members of the Consultative Group can revise and propose changes to the list of questions if deemed necessary.

44. The shortlisted candidates shall be asked similar questions based on the criteria of Human Rights Council resolution 5/1, decision 6/102, resolution 16/21, and the relevant resolution establishing the mandate concerned, ensuring that the interview process guarantees the equal treatment of all candidates. Depending on the progress of each interview, the members of the Consultative Group may ask candidates for additional clarifications.

45. The Consultative Group may, where appropriate, review and update questions for interviews during its term to ensure that the knowledge and expertise of candidates with regard to the mandate can be adequately assessed during the interview.

46. Candidates shortlisted by the Consultative Group may request to be interviewed in any official language of the United Nations. Measures shall be taken to ensure that the interview process is accessible to persons with disabilities, and if requested, reasonable accommodation should be provided.

47. The Consultative Group may consider interviewing additional candidates with equal or more suitable qualifications for the vacancy, in accordance with paragraph 22(c) of resolution 16/21.

### **VII. Decision-making for recommendations to the President**

48. Considering the general criteria of paramount importance of (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal

integrity; and (f) objectivity as set out in paragraph 39 of the annex to Human Rights Council resolution 5/1 and the technical and objective requirements of (1) qualifications; (2) relevant expertise; (3) established competence; and (4) flexibility/readiness and availability of time as defined in Human Rights Council decision 6/102, the Consultative Group shall have a substantive discussion on the merits of each candidate, including each candidate's performance at the interview, in order to decide on which candidates to recommend for a given mandate. Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems, in accordance with paragraph 40 of the annex to Human Rights Council resolution 5/1.

49. The Consultative Group shall recommend only candidates who are considered fully qualified to carry out the specific mandate. The Consultative Group should recommend three candidates for each vacancy and present them in order of preference. However, based on the quality of the candidates, it may also recommend candidates on an equal footing or reduce or increase the number of recommended candidates for a specific vacancy.

### **VIII. Recommendations of the Consultative Group to the President**

50. The Consultative Group shall submit its recommendations in a report to the President of the Human Rights Council, in accordance with paragraph 47 of the annex to Council resolution 5/1.

51. In the said report, the Consultative Group shall provide information that supports its decisions in order to facilitate the decision of the President and to provide transparency to the process.

52. The Consultative Group shall meet with the President after the submission of its report in order to provide any additional information and to answer any questions of the President on the report.

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