

INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

Selection and appointment of a mandate holder

In September 2016, the President of the UN Human Rights Council (the Council) will appoint an **Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**.

This UN expert will be expected to serve two terms of three years each.

Candidates must have the required expertise and experience in the field of the mandate, must be independent and impartial and show a high level of personal integrity and objectivity.

The deadline for applications is Thursday 4 August 2016, 12:00 noon GMT.

This document was prepared by civil society to support all stakeholders in the identification of and outreach to highly qualified and independent candidates for vacant positions. States may use the document to strengthen national consultations processes for the nomination of suitable candidates.

It is also intended as a checklist that can be used by the Council's Consultative Group and the President of the Human Rights Council to ensure that only highly qualified and independent candidates are considered and appointed.

Prospective mandate holders should be aware that this is a voluntary, unpaid role. Reasonable expenses for mandate related work will be paid, but no salary is available. It will require a substantial time commitment from the individual, including readiness to travel and respond to urgent situations.

THE MANDATE

Human Rights Council resolution 32/2 (June 2016),

"OP3. Decides to appoint, for a period of three years, an **Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**, with the following mandate:

(a) To **assess the implementation of existing international human rights instruments** with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, while **identifying both best practices and gaps**;

(b) To **raise awareness** of violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to **identify and address the root causes** of violence and discrimination;

(c) To **engage in dialogue and to consult** with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(d) To work in cooperation with States in order to foster the **implementation of measures that contribute to the protection** of all persons against violence and discrimination based on sexual orientation and gender identity;

(e) To **address the multiple, intersecting and aggravated forms of violence and discrimination** faced by persons on the basis of their sexual orientation and gender identity;

(f) To **conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation** in support of national efforts to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity.¹

SELECTION PROCESS

Independent experts of the Human Rights Council are appointed through a competitive and transparent process which involves an **online written application** in response to a call for candidatures issued by the Secretariat. Shortlisted candidates are then **interviewed by telephone** by the Consultative Group composed by five Ambassadors nominated by each of the five regional groups. The Consultative Group makes recommendations to the President of the Human Rights Council through its public report. The appointment is finalized when the selected candidate put forward by the President is approved by the Human Rights Council.

GENERAL CRITERIA

According to Human Rights Council resolution 5/1, Annex, the following general criteria will be 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.

¹ The full text of the mandate is available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ResDecStat.aspx> (See operative paragraphs 3 to 7).

Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems, noting that WEOG is overrepresented in the current composition of mandate holders. Eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights (paras. 39-41).

INDEPENDENCE

According to Council Resolution 5/1, '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.'

At a minimum, this requires independence of prospective mandate holders from the executive of governments or from intergovernmental organisations, which may be the subject of a communication or mission within the terms of the mandate.

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.

QUALIFICATIONS AND EXPERTISE

In its decision 6/102 of 27 September 2007, the Council approved technical and objective requirements for candidates eligible for mandate holders.

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

1. Qualifications: *relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills in one of the official languages of the United Nations.*

- A post-graduate university degree or equivalent in law, social sciences or 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 be an asset);
- Extensive experience in public speaking (for example in expert seminars) and in communicating at senior levels with governments, UN officials, the business community, the media and other relevant stakeholders, including civil society organizations.

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 organizations' work in the area of human rights; proven work experience in the field of human rights.*

- Extensive knowledge of international human rights law and standards;
- Several years of progressively responsible work experience in the field of human rights relating to violence and discrimination based on sexual orientation and gender identity, including in human rights research, monitoring, reporting, investigating and advocacy;
- Excellent knowledge of the international and regional legal frameworks, case law and current trends relevant to violence and discrimination based on sexual orientation and gender identity, including multiple, intersecting and aggravated forms of discrimination and violence on these and other grounds;
- Extensive experience in working in varied socio-cultural and religious contexts to raise awareness on, and foster understanding of, human rights relating to violence and discrimination based on sexual orientation and gender identity;
- Excellent knowledge of institutional mandates of the United Nations or other international or regional organisations in the area of human rights.

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

- A demonstrated commitment to universal human rights law, standards and values;
- Recognised knowledge and expertise of responding to developments and challenges in addressing violence and discrimination based on sexual orientation and gender identity;
- Experience at national, regional and/or international level in developing legislation, policies and mechanisms to protect persons against violence and discrimination based on sexual orientation and gender identity and in creating a safe and enabling environment for the exercise of the right to be free from violence and discrimination on these grounds, 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 who may have faced violence and discrimination based on sexual orientation and gender identity;
- Proven awareness of the particular threats faced by and particular protection needs of specific groups of persons who may face increased risk of violence and discrimination based on sexual orientation and gender identity, *such as* women, transgender persons, human rights defenders, ethnic, linguistic and religious minorities, indigenous people, non-nationals, migrants, asylum seekers, refugees and internally displaced persons, children and youth, the elderly, persons living with disabilities, people in disadvantaged socioeconomic situations;
- Experience in interacting with actors impacting protection against violence and discrimination based on sexual orientation and gender identity, *such as*:
 - All branches of government, including legislators, the judiciary, ministers, and civil servants;
 - Law enforcement agencies;

- National human rights institutions;
- Health care providers;
- Educational institutions;
- Private landlords;
- Experience in the development and delivery of human rights and rule of law assistance/capacity building, including the training of law enforcement and legal professionals and other officials responsible for the protection of human rights;
- Experience in conducting both academic and field research and in carrying out fact-finding missions.

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.

- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices affecting protection against violence and discrimination based on sexual orientation and gender identity;
- Energy, determination and vision to promote and protect the right to be free from violence and discrimination based on sexual orientation and gender identity;
- A commitment to uphold the integrity, independence and impartiality of the Independent Expert's mandate and the special procedures system as a whole;
- Willingness and ability to devote a substantial proportion of working hours to fulfilling the mandate, which includes undertaking two to three 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 discrimination and violence based on sexual orientation and gender identity;
- Willingness and ability to act urgently when cases or situations so require.

APPLICATIONS

To apply, (1) complete the online survey:

<http://ohchr-survey.unog.ch/index.php/227377?lang=en> and

(2) submit the application form in Word

<http://www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC33/WordForm%20templateHRC33IESOGI.doc>

The deadline for applications is Thursday 4 August 2016, 12:00 noon GMT.

All information on the application process can be found on this page:

<http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC33.aspx>

<p>This document was prepared by Sheherezade Kara, and was supported by: ASEAN SOGIE Caucus, COC Netherlands, FOR-SOGI (Thailand), GALANG Philippines, ILGA, International Commission of Jurists, Iranti-org (South Africa), LGBT Denmark, Pacific Sexuality Diversity Network, PILIPINA Legal Resources Center, RFSL (Sweden) and Tonga Leitis Association.</p>
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