



CONCEPT NOTE

PUBLIC PRESENTATION OF CANDIDATES TO THE UN HUMAN RIGHTS COMMITTEE

**Online Event with the aim of enhancing
transparency in nominations and elections to UN
Human Rights Treaty Bodies**

Monday 29 April 2024

Geneva, 4.00 – 6.00 pm CEST

New York, 10.00 am – 12.00 pm EDT

Simultaneous Interpretation provided English - French

On 29 May 2024 at 10:00 am, State parties to the [Human Rights Committee](#) will meet in New York to elect 9 members of this body composed of 18 independent experts. Nominations had to be submitted to the Secretary-General by 15 March 2024.

This online event shall provide an opportunity to the nominated candidates to present themselves in an informal venue open to State representatives and civil society, addressing their candidacy in view of the requirements set out for membership by the treaty and relevant official documents. The event will also allow them to reply to questions shared beforehand by civil society representatives.

The aim of this online event is to enhance transparency in the nomination and election process of Treaty Body Members.

In accordance with General Assembly resolution 68/268 [paragraph 13], when nominating independent experts for committee elections, States are encouraged to give due consideration to:

- equitable geographical distribution;
- the representation of different forms of civilization and the principal legal systems;
- balanced gender representation;
- the participation of experts with disabilities.

The resolution also reaffirms the importance of the independence and impartiality of members of the human rights treaty bodies [paragraph 35]. All elected members serve in their personal capacity.¹ Underlining the need for independence and impartiality, but also qualification of members, in June 2012, the Chairs of the treaty bodies discussed and endorsed the [Addis Ababa Guidelines](#) on the independence and impartiality of members of the human rights treaty bodies (UNTBs).

¹<https://www.ohchr.org/en/treaty-bodies/electing-treaty-body-members>

Moderation

Felix Kirchmeier, Executive Director, Geneva Human Rights Platform

Invited speakers (3-5 min each)

List of candidates as submitted by the States parties within the deadline of 15 March 2024

Name of Candidate	Country	Participation at the Event
Mr. Akmal Kholmatovich SAIDOV	Uzbekistan	confirmed
Mr. Changrok SOH	Republic of Korea	confirmed
Mr. Ivan ŠIMONVIĆ	Croatia	tbc
Mr. Konstantin KORNELIA	Georgia	confirmed
Mr. Mahjoub EL HAIBA	Morocco	confirmed
Ms. Dalia LEINARTĖ	Lithuania	confirmed
Mr. Imeru Tamerat YIGEZU	Ethiopia	confirmed
Ms. Kobuyah TCHAMDJA KPATCHA	Togo	confirmed
Ms. Tania María ABDO ROCHOLL	Paraguay	confirmed
Ms. Wafaa Ashraf Moharram BASSIM	Egypt	confirmed
Ms. Suchitra DURAI	India	confirmed
Mr. Jean-Paul NGUIMOUT	Cameroon	confirmed
Mr. Zirignon Constant DELBE	Côte d'Ivoire	confirmed
Ms. Biljana TANUROVSKA-KJULAVKOVSKI	North Macedonia	confirmed
Mr. Pacifique MANIRAKIZA	Burundi	confirmed
Mr. Bongani MAJOLA	South Africa	confirmed
Mr. Carlos Ramón FERNÁNDEZ LIESA	Spain	confirmed

Impartiality and independence in the Human Rights Committee

The Human Rights Committee (HRC) is the treaty body monitoring compliance with the International Covenant on Civil and Political Rights (ICCPR). Its main functions entail receiving State reports on the implementation of the rights enshrined in the document, making recommendations to States parties, issuing general comments on specific aspects covered in the Covenant to assist states parties in fulfilling their obligations, and treating individual communications, i.e. complaints, concerning States parties to the Optional Protocol to the ICCPR.

The HRC composition is addressed in the ICCPR, which establishes that it shall consist of eighteen members who are nationals of the States parties.² Other relevant criteria that have to be satisfied are as follows:

- High moral character,³
- Recognized competence in the field of human rights,⁴
- Serving in a personal capacity,⁵
- Preferably with legal experience,⁶
- Equitable geographical distribution of members;⁷
- Representation of different forms of civilization and the principal legal systems,⁸
- Impartiality and conscientiousness.⁹

Impartiality and independence of the members of the HRC are mentioned in the **HRC Rules of Procedure**, which establish that each member, before assuming duties, must solemnly declare in open Committee that he or she will discharge them independently, impartially, and conscientiously.¹⁰ Furthermore, the Rules **endorse the Addis Ababa Guidelines** as the official guidelines on how HRC members shall exercise their duties, replacing the 1998 guidelines of the Committee.¹¹

Impartiality and independence imply that a member of the HRC shall not participate in the consideration of the **state report**, or the discussion and adoption of the related concluding observations, concerning his or her state of nationality.¹² This rule is prescribed on the Rules of procedure and further developed in the Addis Ababa Guidelines.

The Addis Ababa Guidelines establish that a member of a treaty body should not participate in or influence the consideration of a state party's report if he or she has, or can be perceived as having, a conflict of interest with regard to it.¹³ This conflict can arise from place of residence, past employment, affiliation with an organization, family and social ties, but one of the key factors giving rise to it is the nationality of the member.¹⁴

The Guidelines highlight that in case of a real or perceived conflict of interest, the member should refrain from participating in any of the phases of committee's work on a state report,

² A/RES/2200A (XXI), ICCPR art. 28

³ Ibid, art. 28.2

⁴ Ibid

⁵ Ibid, art. 28.3

⁶ Ibid, art. 28.2

⁷ Ibid, art. 31.2

⁸ Ibid

⁹ Ibid, art. 38

¹⁰ CCPR/C/3/Rev.12, Rules of Procedure of the Human Rights Committee, rule 14

¹¹ Ibid, rule 15

¹² Ibid, rule 74.2

¹³ A/67/222, para. 8

¹⁴ Ibid, para. 3

among which the dialogues, discussions, non-public consultations, deliberations, drafting and adoption of the concluding observations.¹⁵

Rules of procedure tackle also the impartiality and independence requirements regarding **individual communications**. They prescribe that a member shall not participate in the examination of the complaint if he or she is a national of the State party concerned, has the same nationality as the victim, has any personal or professional conflict of interest, or has participated in any capacity in the decision-making process related to the case covered in the complaint.¹⁶ Decisions about this issue are to be taken by the HRC without the participation of that member.¹⁷ The Rules also provide the possibility for the member to inform the Chair of his decision to withdraw from the examination of the communication.¹⁸

The Addis Ababa Guidelines reiterate the rule contained in the Rules of Procedure concerning the participation in the examination of individual complaints: they specify that the member should not participate or influence the procedure either at the admissibility or the merits stage, be the conflict of interest real or perceived.¹⁹ Moreover, they extend that rule also to the participation in the preparation or conduct of or follow-up to a country visit or inquiry.²⁰

The Addis Ababa Guidelines generally establish that treaty body members are accountable to the treaty body and their conscience, and they should not submit to any kind of influence, direction, pressure, or instructions by the State of their nationality or any other State.²¹ They should not only be free from any real conflict of interest, but must be perceived as such by any reasonable observer.²² The conflict of interest, real or perceived, cannot stem from a member's race, ethnicity, religion, gender, disability, color, descent or any other basis for discrimination as defined in the core international human rights treaties.²³

They further prescribe that committee members must conduct their functions in a way that doesn't grant favorable treatment to their State of nationality or that is not perceived as granting such treatment.²⁴ They must avoid any action that might be seen as leading to bias in favor or against a State.²⁵

They shall not be politically affiliated with the government of their State of nationality, which entails that they cannot cover functions and conduct activities that are incompatible with their responsibilities as independent experts on a committee.²⁶

The **working methods of the HRC** reiterate the rules requiring individual members to refrain from participating in activities related to state reports and individual communications in case of real or perceived conflict of interest stemming from their nationality, or other personal or professional links to the specific case.²⁷

¹⁵ Ibid, para. 9

¹⁶ CCPR/C/3/Rev.12, rule 108.1

¹⁷ Ibid, rule 108.2

¹⁸ Ibid, rule 109

¹⁹ A/67/222, para. 10

²⁰ Ibid, para. 11

²¹ Ibid, para. 5

²² Ibid, para. 2

²³ Ibid, para. 3

²⁴ Ibid, para. 6

²⁵ Ibid, para. 7

²⁶ Ibid, para. 12

²⁷ <https://www.ohchr.org/en/treaty-bodies/ccpr/rules-procedure-and-working-methods>