

# SELECTION AND APPOINTMENT OF A NEW MANDATE HOLDER ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

## Summary

In June 2020, the President of the UN Human Rights Council (the Council) will appoint a new Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

This document is part of a series of criteria developed for vacant positions of Special Procedures mandate holders. Its intention is to support all stakeholders in the identification of and outreach to highly qualified and independent candidates for vacant positions. States may also use the document to strengthen national consultations processes for the identification 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.

ARTICLE 19, Amnesty International, Access Now, Asian Forum for Human Rights and Development, DefendDefenders (East and Horn of Africa Human Rights Defenders Project), Free Press Unlimited, IFEX, International Center for Not-for-Profit Law, International Service for Human Rights and World Movement for Democracy have developed the criteria jointly.

The signatory organisations call on governments, NGOs and others, including relevant professional networks, to use this checklist to identify eligible candidates for the upcoming vacancy for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

We urge governments to consult civil society and to disseminate the vacancy widely, e.g. through media advertisement, so as to encourage candidates to apply for this vacancy.

## Application Process

This UN expert on the promotion and protection of the right to freedom of opinion and expression will 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 following stakeholders may nominate candidates:

- Governments;
- Regional groups;
- International organisations (e.g. OHCHR);
- Non-governmental organisations (NGOs);
- National human rights institutions (NHRIs) in compliance with Paris Principles;
- Other human rights bodies;
- Individuals.

Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. OHCHR will prepare a list of candidates who applied for each vacancy.

**The details and formalities about the nomination, selection and appointment of mandate holders are explained on the OHCHR website [here](#). The applications consist of two compulsory parts. First, a survey to be submitted through an online system available [here](#). Second, a Word application form**

available [here](#) to be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org). They both have a deadline of **12:00pm GMT on 15 April 2020**. In case of technical difficulties, or if you encountering problems completing or accessing any of the forms, you may contact the Secretariat by email at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org).

## Formal 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:

- Expertise;
- Experience in the field of the mandate;
- Independence;
- Impartiality;
- Personal integrity;
- Objectivity.

## Independence

According to Council Resolution 5/1, ‘individuals holding decision-making positions in Government or in any other organisation 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

Human Rights Council decision 6/102 establishes four technical and objective requirements to be considered in the selection of Special Procedures mandate-holders:

- qualifications,
- relevant expertise,
- established competence and
- flexibility/readiness and availability of time.

Due consideration should be given to gender balance and equitable geographic representation, and to an appropriate representation of different legal systems. Eligible candidates should be highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights (paras. 39-41).

Prospective mandate holders should be aware that this is a voluntary, unpaid role. They would not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of ‘experts on mission’. It will require a substantial time commitment from the individual, including readiness to travel and respond to urgent situations, as explained in the checklist.

The attached checklist is intended as an interpretive aid for the above technical and objective requirements for candidates eligible for special procedures mandates.

## **CHECKLIST FOR SELECTION OF CANDIDATES FOR MANDATE OF SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION**

1. **Qualifications and skills:** Relevant educational qualifications or equivalent professional experience in the field of human rights
  - A university degree, or equivalent professional experience, 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, or equivalent works or experience with a public profile;
  - 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 and other inter-governmental organisation officials; national human rights institutions; civil society and human rights defenders; media and journalists; business enterprises, such as social media companies; the technical community, and other relevant stakeholders.
  
2. **Relevant expertise:** Knowledge of international human rights instruments and standards; 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.
  - Extensive knowledge of international human rights law and standards;
  - Several years of progressively responsible work experience in the field of human rights relating to the right to freedom of opinion and expression, for example 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 the promotion and protection of the right to freedom of opinion and expression, including their application in the digital age;
  - Practical experience in promoting and protecting the right to freedom of opinion and expression where there may be perceived or actual tensions with other individual rights or collective interests, particularly in the context of new technologies;
  - Excellent knowledge of institutional mandates of the United Nations and/or other international or regional organisations in the area of human rights.
  
3. **Established competence:** Nationally, regionally or internationally recognised 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 the field of the right to freedom of opinion and expression, in particular a deep understanding of how new technologies impact freedom of opinion and expression globally;
  - Experience in applying freedom of opinion and expression principles, in particular in the context of access to information, journalism and media freedom;
  - Experience at national, regional and/or international level in developing legislation, policies and mechanisms for the protection of the right to freedom of opinion and expression and in creating a safe

and enabling environment for the exercise of this right, 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 whose right to freedom of opinion and expression may have been violated or restricted;
  - Proven commitment to equality and non-discrimination, including awareness of the particular and intersecting challenges and risks specific individuals and groups may face and their particular protection needs when exercising their right to freedom of opinion and expression, such as journalists, media workers, writers, bloggers and artists; human rights defenders; women; ethnic, religious and linguistic minorities; non-nationals, migrants, refugees and internally displaced people; indigenous people; lesbian, gay, bisexual and transgender people; members of political opposition groups; people with disabilities; people in a disadvantaged socioeconomic situations, and people who experience age discrimination.
  - Experience in interacting with actors whose work directly impacts on the enjoyment of the right to freedom of expression, such as:
    - All branches of government, including legislators, the judiciary, ministers, and civil servants;
    - Law enforcement agencies;
    - Relevant regulatory or administrative bodies, including, where applicable, media regulatory authorities and information ombudsmen;
    - National human rights institutions and equality bodies;
    - Professional associations, for example journalists' unions;
    - Technical bodies
    - Corporations and business enterprises, particularly in the social media, legacy mass media and journalism, telecommunication, ICT, social media, surveillance, and online-security sectors;
    - Civil society organizations;
    - Rights holders and victims of violations of the right to freedom of expression and opinion.
  - 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 on human rights and in carrying out fact-finding missions;
  - Familiarity with established and emerging modes, channels, and forums of public and private expression, including digital platforms and tools;
  - Knowledge and sensitivity to the issue of reprisals or intimidation experienced by persons who interact with the mandate in any way.
4. **Flexibility and readiness:** Availability of time to perform effectively the functions of the mandate and to respond to its requirements, including conducting visits, preparing reports and attending Human Rights Council and General Assembly sessions.
- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices affecting the enjoyment of the right to freedom of opinion and expression;
  - Energy, determination and vision to promote and protect the right to freedom of opinion and expression wherever it is at risk;
  - Commitment to uphold the integrity, independence and impartiality of the Special Rapporteur'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 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 violations of the right to freedom of opinion and expression;

- Willingness and ability to act urgently when cases or situations so require;
- Understanding of how the freedom of opinion and expression complement other human rights and a willingness to be able to work, in some cases, with other mandate holders;
- Commitment to new and emerging forms of civic engagement, and an ability to communicate virtually with grassroots audiences, both in terms of virtual convening's but also with outreach.