



# CONCEPT NOTE

## Transparency in nominations and elections to UN Human Rights Treaty Bodies: Towards a New Vetting System?

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# Transparency in Nominations and Elections to UN Human Rights Treaty Bodies: Towards a New Vetting System?

## Opening

- **Ambassador Joel Hernández**, Mexican Vice-Minister for Multilateral Affairs and Human Rights

## Speakers

- **H.E. Jürg Lauber**, Ambassador and Permanent Representative of Switzerland to the UN in Geneva
- **Milica Kolaković Bojović**, Member of the Advisory Committee on nominations of judges of the International Criminal Court and Vice-President of the UN Committee on Enforced Disappearances
- **H.E. Robert Rae**, Ambassador and Permanent Representative of Canada to the United Nations in New York (tbc)
- **Claudia Martin**, Independent Panel for the Election of Inter-American Commissioners and Judges, founding member of GQUAL, and Co-Director, Academy on Human Rights & Humanitarian Law

## Moderation

- **Felix Kirchmeier**, Executive Director, Geneva Human Rights Platform

## Background

The States parties to the various international human rights treaties nominate and elect treaty body members from among their nationals. The nominations are compiled by the Secretary-General who submits them for consideration to all the States parties to a specific treaty.

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.<sup>1</sup> 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).

The second half of 2023 will have seen the election of 35 members, divided between five Committees.

2024 will be heavy in numbers, with a total of 60 members to be elected in a total of 172 TB experts. The most immediate elections will be the one of 9 members of the Committee on Economic, Social and Cultural Rights, with the nominations closed on 23 November 2023.

They will be followed by elections to the Committee on the Rights of the Child (9 members), the Human Rights Committee (9 members), the Committee on the Rights of Persons with Disability (9 members), the Committee on the Elimination of Discrimination Against Women (11 members) and the Subcommittee Against Torture (13 Members).

This discussion will thus be timely to look into election processes to this committee, as well as the nominations to many others.

On promising avenue to enhance balance in the membership of Treaty Bodies, but also in other UN positions, is the implementation of a Feminist Foreign Policy (FFP) by an increasing number of States.

According to UN Women, FFP “in its most ambitious expression, [...] should aspire to transforming the practice of foreign policy to the greater benefit of women and girls everywhere, impacting a country’s diplomacy, defense and security cooperation, aid, trade, climate security, and even immigration policies.”

## Concept of the Panel Discussion

- *What is the concrete impact of Feminist Foreign Policy on the nomination and election of Treaty Body members?*

An increasing number of states proclaims the shift towards a Feminist Foreign Policy. Is the fact that in 2023, for the first time gender parity was reached among the 172 members of the UN Treaty Bodies a result of those policies? And if so, will this ensure that the current parity becomes the norm, and not just a one-off exception? Gender balance within individual Treaty Bodies on the other hand remains problematic. With the nearly entire membership of the Committee on the Elimination of Discrimination Against Women being women, many other Treaty Bodies continue to be male-dominated. How can an FFP-led nomination and election policy enhance the gender parity within each TB, as opposed to the overall system?

- *What are the current shortcomings?*

In spite of several positive initiatives<sup>2</sup> and discussions<sup>3</sup> to enhance the transparency, openness and equitability of nominations and elections of UNTB candidates, deeply

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

<sup>2</sup> E.g. see <http://untbelections.org/>

<sup>3</sup> E.g. see “Summary Report: TB-NET & Amnesty International Event on Treaty Body Elections” (2018) <https://www.amnesty.org/en/documents/ior40/9608/2018/en/>

entrenched practices of closed nomination processes and “vote trading” in elections continue to be the norm.

Those have resulted in outcomes of severe lack of gender representation<sup>4</sup> and the continued presence of candidates and members whose profiles do not comply with the [Addis Ababa Guidelines](#) on independence of UNTB members<sup>5</sup>.

- *What can we learn from fellow international mechanisms?*

Various forms of vetting processes have been established with a view to filter nominations to international human rights or judicial mechanisms, included, but not limited to:

- [Inter American system](#): a group of NGOs initiated since 2015 a vetting process for the election of commissioners for the Inter-American Commission on Human Rights, and judges for the Inter-American Court of Human Rights. A group of five independent experts, designated by a group of NGOs, are in charge of the process which is facilitated by the Academy on Human Rights & Humanitarian Law at the American University Washington College of Law.
- [International Criminal Court](#): candidates to key positions such as that of the [Registrar](#) are subjected to a “due diligence” or vetting process initiated by NGOs and now managed by the Assembly of State Parties’ Bureau. The nomination of Judges is assisted by an Advisory Committee.
- [UN Special Procedures](#): candidates are “vetted” through a process which consists of a shortlist of candidates for interviews prepared by the OHCHR Secretariat. Interviews are carried out by the Ambassadors of the Consultative Group, made up of one representative per UN regional group. Following the interviews, three candidates are ranked in order of preference and submitted to the HRC President who makes the final decision on appointment.

- *Towards a vetting process for UNTBs?*

In the election of UNTB members, two steps are crucial. National nomination processes and the election itself. In the event we will discuss good practices of State parties in both steps – from transparent and open national nomination procedures, to clear standards and minimum requirements in vote trading for the elections themselves.

The discussion will involve election officers of Permanent Missions in charge of the election process of UNTB members, and experts involved in vetting procedures of other mechanisms, in order to hear about the experiences in the above-mentioned mechanisms and discuss the prospect of establishing similar practices with UNTB elections.

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<sup>4</sup> While in 2023 for a first time a majority of the 172 TB members across the system are female, stark differences remain among the 10 TBs. E.g. while CEDAW is composed of 22 women and 1 man, CMW membership counts 3 women and 11 men. <https://www.ohchr.org/sites/default/files/documents/hrbodies/treaty-bodies/elections/2023-01-31/Gender-composition-Treaty-Bodies-012023.pdf>

<sup>5</sup> E.g. an independent study carried out in 2018 found out that 55% of UNTB members had a connection with their national executive. <https://www.geneva-academy.ch/joomlatools-files/docman-files/Diversity%20in%20Treaty%20Bodies%20Membership.pdf>

