



CONCEPT NOTE

PUBLIC PRESENTATION OF CANDIDATES TO THE UN COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

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

Tuesday 14 May 2024

Geneva, 2.00 – 4.00 pm CEST

New York, 8.00 am – 10.00 am EDT

Simultaneous Interpretation provided English - Spanish - French
International Sign

On 11 June 2024, State parties to the **UN Convention on the Rights of Persons with Disabilities** 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 11 April.

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. This online event complements the civil society initiative by TB-Net and International Disability Alliance that invited all the candidates to the CRPD Committee:

- to respond to the TB-Net / IDA questionnaire, which includes relevant questions on their qualifications and interest on becoming CRPD Committee members; and
- to produce a two-minute video introducing themselves and responding to two of the more relevant questions of the questionnaire.

All the information produced by candidates is posted in a dedicated page available [here](#).

The committee itself issued in its latest session a [statement](#) underlining as a main priority **“Achieving real gender balance and equitable geographical representation in the 2024 elections of members of the Committee.”**

In accordance with General Assembly resolution 68/268, 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.

Concretely, for the upcoming elections to the CRPD Committee, the International Disability Alliance (IDA) has identified the gaps in terms of representations and the risks of elections results that do not comply with the criteria on membership of the Committee established in article 34 of the CRPD. In particular, IDA has identified:

- In order to retain gender balance, States need to seek the election of at least 3 women.
- While there is no fixed rule indicating the number of members for each region, States Parties would need to seek the election of one or two candidates from Eastern Europe given that there is none currently.
- There is a strong need to promote candidates from disabilities constituencies distinct from blind persons and persons with physical disabilities, to seek for diversity of persons with disabilities.¹

The resolution also reaffirms the importance of the independence and impartiality of members of the human rights treaty bodies [para 35]. All elected members serve in their personal capacity.² 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 More information available [here](#).

² <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 11 April 2024

| Name | Nationality | Participation at the Event |
|--|--------------------|----------------------------|
| <u>Ms. Mara Cristina GABRILLI</u> | Brazil | Confirmed |
| <u>Mr. Wanhong ZHANG</u> | China | Confirmed |
| Mr. Magino CORPORÁN LORENZO <u>English</u> <u>Español</u> | Dominican Republic | Confirmed |
| <u>Ms. Inmaculada PLACENCIA PORRERO</u> | European Union | Confirmed |
| <u>Mr. George DZNELADZE</u> | Georgia | Confirmed |
| <u>Ms. Odelia FITOUSSI</u> | Israel | Confirmed |
| <u>Mr. Floyd MORRIS</u> | Jamaica | Confirmed |
| <u>Mr. Hiroshi TAMON</u> | Japan | Confirmed |
| <u>Mr. Bonface MASSAH</u> | Malawi | Confirmed |
| <u>Ms. Gerel DONDOVDORJ</u> | Mongolia | Pending |
| <u>Mr. Abdelmajid MAKNI</u> | Morocco | Confirmed |
| <u>Mr. Christopher NWANORO</u> | Nigeria | Confirmed |
| <u>Ms. Elena KOCHOSKA</u> | North Macedonia | Confirmed |
| Ms. Natalia GUALA BEATHYATE <u>English</u> <u>Español</u> | Uruguay | Confirmed |

Impartiality and independence in the Committee on the Rights of Persons with Disabilities

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

The CRPD Committee composition is addressed in the CRPD, which establishes that it shall consist of eighteen members who are nationals of the States parties.³ Other relevant criteria that have to be satisfied are as follows:

- High moral standing,⁴
- Recognized competence and experience in the field of the rights of persons with disabilities,⁵
- Serving in a personal capacity,⁶
- Equitable geographical distribution of members;⁷
- Representation of different forms of civilization and the principal legal systems,⁸
- balanced gender representation;⁹ and
- participation of experts with disabilities.¹⁰

CRPD Committee members must be independent and impartial in line with the **Addis Ababa Guidelines** on the independence and impartiality of the members of the human rights treaty bodies (“the Addis Ababa guidelines”), which are endorsed and integrated by Rule 96 of the CRPD Committee's Rules of Procedure.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

³ CRPD, article 34(2) and (5).

⁴ CRPD, article 34(3).

⁵ *ibid*

⁶ *Ibid*.

⁷ CRPD, article 34(4).

⁸ *ibid*

⁹ CRPD, article 34(4).

¹⁰ CRPD, article 34(4).

¹¹ See CRPD Committee, Rules of Procedure, CRPD/C/1, Rule 96.

¹² *Ibid*, Rule 43, Inability of a member to take part in the examination of a report.

¹³ A/67/222, para. 8

¹⁴ *Ibid*, para. 3

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, 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 A member shall not take part in the examination of a communication by the Committee if:

- (a) The member has any personal interest in the case;
- (b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures established under the Optional Protocol;
- (c) The member is a national of the State party against which the communication is directed."¹⁶

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.¹⁷ Moreover, they extend that rule also to the participation in the preparation or conduct of or follow-up to a country visit or inquiry.¹⁸

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.¹⁹ They should not only be free from any real conflict of interest, but must be perceived as such by any reasonable observer.²⁰ 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.²¹

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.²² They must avoid any action that might be seen as leading to bias in favor or against a State.²³ 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.²⁴

¹⁵ Ibid, para. 9

¹⁶ See CRPD Committee, Rules of Procedure, CRPD/C/1, Rule 60.

¹⁷ A/67/222, para. 10

¹⁸ Ibid, para. 11

¹⁹ Ibid, para. 5

²⁰ Ibid, para. 2

²¹ Ibid, para. 3

²² Ibid, para. 6

²³ Ibid, para. 7

²⁴ Ibid, para. 12