



Elections to the Committee on the Rights of the Child

Information for children's rights defenders

The UN Committee on the Rights of the Child (the Committee) is the authoritative body that monitors the implementation of the UN Convention on the Rights of the Child (the Convention) and/or its Optional Protocols by all States that have ratified at least one of them.

In addition to reviewing States parties' implementation of children's rights, the Committee helps resolve disputes over children's rights violations through the examination of complaints of individuals, inquiries and country visits. It is also at the centre of the interpretation of the Convention and its Optional Protocols through the formulation of general comments on specific provisions or children's rights themes.

The Committee is composed of 18 members from 18 different countries elected for a four-year term renewable for an indefinite number of times.¹

WHY SHOULD CHILDREN'S RIGHTS DEFENDERS CARE ABOUT THE ELECTIONS TO THE COMMITTEE?

The quality and relevance of the Committee's work depends on the quality and expertise of its members.

Given the unique mandate of the Committee to interpret and contribute to the promotion, protection and implementation of children's rights at the national level, it is essential that all children's rights defenders take an interest in the election process of Committee members to ensure the selection of the best possible candidates through a transparent, impartial and accountable process.

Members of the Committee are nominated and elected by States parties to the Convention only²

To become a Committee member, interested individuals have to be:

1. Nominated by a State party to the Convention. Each State party has the right to nominate one person among its own nationals.
2. Elected by the States parties to the Convention during the election held every two years (on even years) at the meeting of States parties to the Convention in June. To ensure some continuity in membership, only half the membership (nine members) is elected every two years.

¹ The members' terms are indicated on the Committee's webpage <http://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx>

² As of January 2016, all States are a party to the Convention, except the United States of America.

Geopolitical considerations may take precedence over official criteria for the selection of candidates

The election of Committee members, like any international election process, is a highly politicised process where inter-States and regional dynamics play a key role. For example, States seek support for their nominee from other States in exchange of reciprocal support related to other UN election processes.

In fact, experience has shown that the election of a nominee is often dependent on successful lobbying by nominating States parties and the trading of votes, with little regard for the actual expertise of the nominees.

WHAT CAN CHILDREN'S RIGHTS DEFENDERS DO TO HELP THE BEST CANDIDATES TO GET ELECTED?

While children's rights defenders cannot nominate or elect Committee members directly, there are a number of entry points for them to influence the official nomination and election process.

BEFORE THE NOMINATION OF A CANDIDATE

Engage in a dialogue with their government to raise awareness on the election process in general and the criteria for nomination of candidates³

Encourage their government to hold an open and transparent nomination process

The High Commissioner for Human Rights has encouraged States parties to consider the following principles when nominating experts:⁴

- ✓ Rely on an open and transparent selection process;
- ✓ Consider candidates with a proven record of expertise in the relevant area (for example, through relevant work experience, publications and other achievements);
- ✓ Consider candidates who are willing to take on the full range of responsibilities of a treaty body member;
- ✓ Avoid nominations of experts holding any position that might expose them to pressures, conflict of interests or generate a real or perceived impression of a lack of independence;
- ✓ Limit the terms of service of members to a reasonable number for any given committee, bearing in mind that the most recent treaties allow a maximum of two successive terms.

Examples of public calls for nominees can be found in the informative document published by the International Disabilities Alliance for the elections of the Committee on the Rights of Persons with Disabilities at <http://www.internationaldisabilityalliance.org/en/seventh-conference-states-parties-june-2014>.

An example of good practice in the Office of the High Commissioner for Human Rights (OHCHR)'s Guide for Treaty Body members, p. 23-24 (http://www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_EN.pdf).

³ See our section "What makes a 'good' candidate?" below.

⁴ See resolution A/66/860, sect. 4.4.2., extracted from the OHCHR Handbook for human rights treaty body members, p.21, accessible at: http://www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_EN.pdf

In addition, States should be encouraged to:

- Advertise the position well in advance of the elections;
- Establish an advisory committee comprising children’s rights defenders that it will consult throughout the process;
- Consult with and inform the national Parliament about the process to ensure transparency and accountability;
- Interview potential candidates; and
- Select a candidate taking into account the official criteria as well as the opinion of the advisory committee.

Publicise the process as much as possible to ensure a good pool of candidates

Proactively identify qualified candidates from among their nationals and invite them to apply

If there is no official advertisement of the position from the government, children’s rights defenders can seek support for the proposed candidate from government officials working on children’s issues (e.g. the ministry responsible for monitoring the implementation of the Convention and the Ministry of Foreign Affairs which is usually responsible for the transmission of the nomination to the United Nations).

Support the candidate(s) who best meets the recommended criteria and covers expertise gaps in the composition of the Committee

Where appropriate, depending on the political context, children’s rights defenders may disseminate information on the different candidates, including to the wider public; and support those who fulfil the recommended criteria with well-reasoned arguments. It is important to encourage governments to nominate a candidate on the basis of merit alone rather than for political considerations.

Child participation in the nomination process. Child Rights Connect will also develop guidance for children to influence the elections of Committee members. If you have any experience or idea to share, please contact us at crcreporting@childrightsconnect.org

AFTER A CANDIDATE IS NOMINATED

Encourage your State to lobby for its nominee in New York and Geneva

Most elected Committee members have been brought to New York by their government just prior to the elections in order to meet directly with UN Missions. Experience has shown that candidates who are elected in the first and second rounds usually have the strong support of their government who has lobbied heavily on their behalf.

Children’s rights defenders can assist the candidate and the government to design and implement an electoral campaign. Where appropriate, children’s rights defenders may engage in the electoral campaign through support letters and meetings with UN missions in New York, in Geneva and at regional level, as well as with embassies in the candidate’s country. But open support from NGOs to candidate can sometimes be counterproductive, depending on the political context, in which case low profile and soft diplomacy might work better.

Raise awareness and promote coordination at regional level to limit the number of candidates nominated from an underrepresented region

In order to ensure strong geographical representation, States parties within a region may reach a consensus on candidates prior to the election itself. Indeed, experience with the elections to the Committee and other treaty bodies shows that if there are too many nominees from one region, this can result in none of them receiving sufficient votes to be elected.



- Work closely with UNICEF and your national human rights institution, if you have one, in this process as they often have the ear of high-level government officials.
- It is more effective if children's rights defenders support candidates in a coordinated way, rather than having different actors supporting different candidates.
- Lobbying against some candidates might be counterproductive.
- If you support a candidate, it is important to secure the strong support of the government, since the amount of lobbying that the government is willing to do often ensures the election of the candidate.

WHAT MAKES A 'GOOD' CANDIDATE?

ESSENTIAL REQUIREMENTS – OFFICIAL CRITERIA⁵

1. Be experts and have recognized competence in the field covered by the Convention

*Their expertise in **the field of human rights, and particularly children's rights**, should be demonstrated by their past and/or current work and other activities listed in their CVs.*

2. Have high moral standing

3. Represent all regions and the principal legal systems

4. Exercise their functions in an independent and impartial manner and be perceived to be independent and impartial

In this context, it is important to bear in mind that nationality, place of residence, current and past employment, membership of or affiliation with an organization or the government, family and social relations can be factors of real or perceived conflict of interest.

5. Serve in their personal capacity

⁵ Criteria 1, 2 and 3 are enshrined in the Convention (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>), criterion 4 is specified in the Committee's rules of procedure, criteria 4 and 5 are contained in the UN Guidelines on the independence and impartiality of members of the human rights treaty bodies, the "Addis Ababa Guidelines" (<http://www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx>) and criteria 6, 7 and 8 are included in the UN General Assembly Resolution 68/268 on Treaty Bodies Strengthening (<http://www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx>).

6. Be appointed in a manner to ensure regional and gender balance, professional background and different legal systems, as well as the tenure of current members

It is worth noting however that there are no regional quotas requiring or limiting the number of candidates per region. To facilitate the election process, OHCHR provides States with an information note on the current situation with respect to the composition of the treaty body, reflecting the balance in terms of geographical distribution and gender representation, professional background and different legal systems, as well as the tenure of current members.

7. Represent different forms of civilization and the participation of experts with disabilities

8. Be able to work in at least one of the official three working languages chosen by the Committee, namely English, French and Spanish

DESIRABLE REQUIREMENTS – Based on Child Rights Connect’s work with the Committee since its creation

- ✓ Have an **understanding of the United Nations human rights system**.
- ✓ Have a basic **command of English** (all official documents are drafted in English and then translated into other languages and English is the most commonly used language during informal meetings).
- ✓ Have a **professional background that can contribute to the Committee’s holistic approach**, which emphasizes the inter-relationship and interdependence of all articles of the Convention, such as lawyers, psychologists, social workers, teachers, and doctors.
- ✓ Have **experience working with a range of stakeholders**, including NGOs, children, national human rights institutions and ombudspersons for children.
- ✓ Be aware and **sensitive to cultural differences**.
- ✓ Be committed to **listening directly to children** and give due consideration to their views.
- ✓ Have a good **political sense**. Members have to engage in a constructive dialogue with States and often have to speak on behalf of the Committee in highly sensitive political settings, such as the Human Rights Council.
- ✓ Have good **drafting and analytical skills** for research, report writing and editing.
- ✓ Have the capacity to **engage in online communications**, especially in between sessions, and therefore be able to use a computer, internet and emails.

PRACTICAL REQUIREMENT – Be able to commit to the responsibilities and tasks of a Committee member without remuneration

The typical workload of a Committee member includes:

- Be present in Geneva at least during the entire sessions of the Committee (12 weeks per year in January/February, May/June and September/October).
- Read and analyse the country files for each State party to be reviewed.
- Present draft documents.
- Participate to the constructive dialogues with States parties.
- Participate to pre-sessional meetings with NGOs, NHRIs, UN agencies and children.
- Participate to meetings regarding other areas of work of the Committee than the reporting process, which may take place outside the Committee’s official meeting hours.
- Prepare for and undertake country visits.
- Participate to training workshops, events and seminars on behalf of the Committee.

In addition, members often take on additional roles and responsibilities, which increase their workload, including in between sessions.⁶

It is therefore essential that candidates commit and have the capacity to **devote sufficient time to the work of the Committee** without remuneration (only travel expenses and living costs in Geneva are covered during the Committee's sessions and abroad when the member officially attends an event on behalf of the Committee).

WHAT IS THE NOMINATION AND ELECTION TIMEFRAME?

Official launch of the nomination process: mid-February

By mid-February of an election year (even years), i.e. at least four months before the elections, the States parties to the Convention receive a letter from the Secretary General of the United Nations inviting nominations. Updated information regarding the Committee's election is posted on its elections webpage (<http://www.ohchr.org/EN/HRBodies/CRC/Pages/Elections.aspx>).

Official deadline for States parties to nominate candidates: mid-April

States parties nominate candidates by submitting their nominations to OHCHR together with the curricula vitae (CVs) of the nominees.⁷ But late nominations up to the day of the elections are accepted.

Elections: June

Elections are held by secret ballot during the meeting of States parties that takes place at the United Nations in New York in June. Each State party has 9 votes, one for each vacant seat.

First ballot: States parties vote for 9 out of all nominees.

- Nominees who obtain more than 50% of votes of States parties present and voting are elected.
- If more than nine nominees obtain such a score, those with the largest number of votes are elected.
- If less than nine nominees obtain such a score, there will be additional ballots to fill the remaining seats.

Additional ballots: States parties vote for a restricted number of remaining nominees.

- Candidates for the second and third ballots are limited to not more than twice the number of places remaining to be filled. The selection of those top candidates is done based on the number of votes obtained in the previous ballot.
- Voting continues until all nine places are filled.

⁶ For a detailed description of what these roles can be, see OHCHR Guide for Treaty Bodies members, p. 38-41 (http://www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_EN.pdf).

⁷ These CVs follow a template and are limited to 5 pages. They should contain the following information on the nominee: first and last names, date and place of birth, working languages, current position/function (5 lines maximum), main professional activities (10 lines maximum), educational background (5 lines maximum), other main activities in the field relevant to the mandate of the Committee (10 lines maximum), and a list of most recent publications in the field (5 lines maximum). CVs of the nominees as well as other relevant documents can be found on the OHCHR website at <http://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx>.

After the elections

The Office of the High Commissioner for Human Rights (OHCHR) officially notifies newly elected members about their election. Elections results are also published on its website (<http://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx>).

New members officially begin their term as of March of the year following their election but only meet at the May session of the Committee for the first time.

USEFUL RESOURCES

OHCHR page on Treaty Bodies elections, which provides the dates of upcoming elections and general information on the nomination and election processes:

www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx

OHCHR Guide on treaty body elections for UN delegates based in New York, which answers all technical questions regarding the nomination and election processes:

www.ohchr.org/Lists/MeetingsNY/Attachments/38/treaty-body-elections-guide.pdf

OHCHR Guide for Treaty Bodies members, which is designed as a basic guide for candidates and current treaty body members and can help States and potential candidates to understand better what the role requires:

www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_EN.pdf

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