



COORDINATION COMMITTEE OF SPECIAL PROCEDURES
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Dear Members of the Consultative Group,

On behalf of the Coordination Committee of Special Procedures, I am writing to you once again in connection with the selection of new mandate holders, in particular the selection of several of our future colleagues at the upcoming session of the Human Rights Council in September.

The high quality and integrity of mandate holders are crucial to ensure the effectiveness and credibility of the system of special procedures. I recently invited the relevant outgoing mandate holders to provide information on the skills they consider essential for the new mandate holders to discharge the mandate. I sought their views in line with Human Rights Council resolution 5/1, paragraph 51, which says that “the Consultative Group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate”.

I am therefore pleased to share with you the contribution received from the Special Rapporteur in the field of cultural rights (Annex I).

I trust that you will find these suggestions useful as you undertake the selection process. I am at your disposal to discuss this matter further if you have additional questions or require additional feedback. As indicated earlier, special procedures mandate holders have decided that these contributions should be made publicly available as a way to enhance transparency. This letter will therefore be posted on the public website of special procedures. I wish you success in your deliberations.

Sincerely yours,

A handwritten signature in black ink, reading "Anita Ramasastry".

Anita Ramasastry
Chair of the Coordination Committee of Special Procedures

cc: H.E. Ms. Nazhat Shameem Khan
President of the Human Rights Council

Annex I

CONTRIBUTION FROM THE THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS

The Special Rapporteur in the field of cultural rights, Karima Bennoune, submits this contribution to the Consultative Group, in accordance with Human Rights Council resolution 5/1, and its Annex at paragraph 51 which provides that “the consultative group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.” She appreciates the opportunity to make this submission.

The Special Rapporteur’s view is that her successor should have experience and substantive expertise in the field of cultural rights, and a clear understanding of these rights in the context of the interdependent and indivisible universal human rights framework of which they are a part. General human rights expertise should also be seen as essential.

The relevant expertise should include at a minimum:

- familiarity with international standards in the field of human rights, including cultural rights;
- familiarity with the work of the successive Special Rapporteurs in the field of cultural rights;
- familiarity with the relevant international human rights jurisprudence, including of the Committee on Economic, Social and Cultural Rights under Article 15 (and other relevant articles) of the International Covenant on Economic, Social and Cultural Rights and
- familiarity with the work of a diversity of cultural rights defenders and relevant civil society organizations around the world.

The new Special Rapporteur in the field of cultural rights should also be able to undertake work on cases of alleged violations of cultural rights, and to continue the work for accountability for violations. They should be able to manage sensitive issues in highly political contexts, as well as to write reports and documents and to conduct research.

Most importantly, the Special Rapporteur’s successor should be committed to ensuring that cultural rights are continually distinguished from cultural relativism, and committed to refuting attempts to use culture as a justification for violations of universal human rights. This commitment should include a willingness to challenge discrimination in the field of cultural rights and to defend the cultural rights of marginalized groups that often face such “cultural” excuses for violations of their rights, including women and persons with disabilities, issues which are at the core of the mandate’s work as established by the Human Rights Council (see, e.g., Resolutions 10/23, para. 9(e), and 19/6, para 8(e)). Given the degree to which such cultural excuses affect women’s human rights, in particular, it is essential that the next mandate-holder possess some expertise in the area of women’s human rights. The issues addressed in this paragraph are vital to consider because they represent some of the greatest challenges facing the work of the cultural rights mandate today.

As interaction with a variety of interlocutors is essential for the mandate’s success, the Special Rapporteur’s successor should be familiar with working with governments,

international organizations and a variety of civil society groups, as well as cultural rights defenders and experts. They should be committed to a consultative and participatory approach involving the diverse constituencies working under the broad rubric of the mandate on cultural rights. They should also be willing and able to vigorously protect the independence of the mandate, including within the UN system itself. The selected candidate should not come from a diplomatic background or have official ties with any particular State, in order to ensure their independence and impartiality.

Finally, the Special Rapporteur notes that carrying out the duties of the mandate, especially with the limited resources and staffing available, entails a significant time commitment. As such, the new Special Rapporteur must have sufficient availability.

The Special Rapporteur thanks the Consultative Group for its consideration of these important criteria.