



ngo group for the crc

# ELECTIONS TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

## Information for NGOs

### WHEN DO ELECTIONS TAKE PLACE?

- A States Parties meeting is held every two years during the month of December in order to hold elections for nine members of the Committee.
- The States Parties meeting takes place at the United Nations in New York.
- Committee members are elected for a term of four years.

### WHO CAN BE NOMINATED?

Amended Article 43(2) of the Convention on the Rights of the Child, which entered into force on 18 November 2002, states that the "Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention". Consideration shall be given to "equitable geographical distribution, as well as to the principal legal systems."

In the absence of any additional criteria for the selection of candidates, the following are a few suggestions as to the recommended backgrounds of candidates.

- Nominees should have a **demonstrated expertise in the field of human rights, particularly children's rights**, in the course of their work and other activities. An understanding of international United Nations mechanisms would also be useful.
- Nominees should be **independent and impartial**. Although members serve in a personal capacity, there is a need for Committee members to be independent in relation to their country of nationality as well as where their government takes strong positions on human rights in relation to its allies, neighbors and adversaries. It is for this reason that the

nomination of senior government officials should be avoided whenever possible.

- Nominees should have **the ability to devote sufficient time to the work of the Committee**. Committee members are required to spend three intense four-week sessions in Geneva, Switzerland each year and are subject to additional demands on their time because of their position and expertise. In addition, there is a considerable amount of time needed to study the numerous documents in order to be prepared for the Committee sessions.

- An **equitable geographic distribution** of membership is essential in order to ensure that all the regions of the world are represented.

- Considering the wide range of rights guaranteed by the Convention, nominees should be from a **variety of professional backgrounds**, such as lawyers, psychologists, social workers, teachers, and doctors. The Committee has adopted a holistic approach, which emphasizes the inter-relationship and interdependence of all articles of the Convention. Nominees should therefore have a well-rounded and wide-ranging background.

- Nominees who have **experience working with NGOs** would be most welcome.

- Nominees should have an **awareness and sensitivity to cultural differences**.

- Nominees must **be fluent in one of the three official working languages of the Committee**, which are English, French and Spanish. It is desirable that French and Spanish speakers have a basic command of English in order to be able to examine documents that have not yet been translated into other working languages.

### CAN CURRENT COMMITTEE MEMBERS RUN FOR RE-ELECTION?

- If the State Party so chooses, they can nominate a Committee member whose term is expiring. The Committee member cannot nominate his or herself.
- Committee members are eligible for unlimited re-election.

### HOW DO I NOMINATE SOMEONE?

Nominations can only be received from governments, not from UN agencies, NGOs or individuals.

- In **June** before the elections, the States Parties to the Convention on the Rights of the Child receive a letter from the Office of the High Commissioner for Human Rights on behalf of the Secretary General of the United Nations requesting nominations for members of the Committee.
- Each State Party has the right to nominate one person from its country.
- Nominations are due to be submitted by States Parties to the Office of the High Commissioner **before the end of August**.
- A biographical data form on the candidates should be completed by the State Party and submitted to the Office of the High Commissioner with its nomination. This form requests the following information about a candidate: first and last name, 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).

### HOW MUCH TIME MUST COMMITTEE MEMBERS DEVOTE TO THE COMMITTEE?

- Committee members are required to attend three sessions of four weeks each year (a total of twelve weeks per year) during the months of September, January and May in Geneva, Switzerland.
- Committee members are often asked to make field visits and to speak at conferences between Committee sessions.

### HOW MUCH DO COMMITTEE MEMBERS GET PAID?

- Committee members are not remunerated for their work.
- Airfare to and from Geneva for each Committee session and a daily subsistence allowance while in Geneva to cover expenses is provided.

- In the case of participation at other conferences and events, transportation and a daily subsistence allowance is only provided when the member is officially representing the Committee at another UN meeting.

### WHAT IS THE ROLE OF NGOS IN THE NOMINATION PROCESS?

Although NGOs cannot nominate candidates, they can play a role in lobbying their State Party to nominate a good candidate who meets the above-mentioned criteria. Although the nomination process within each country may differ, the following are some recommended actions for NGOs:

- NGOs should promote an open and transparent selection process in which the State Party should advertise the position and interview potential candidates. This does not typically happen but should be encouraged.
- NGOs can identify qualified candidates from among their nationals. If possible, this should be done prior to the official request for nominations by the United Nations.
- The potential candidate should be approached to ensure that he/she is able and willing to accept the position. It is important to note that the candidate must be able to take a leave of absence from his place of employment for twelve weeks a year (three times four weeks) for no remuneration from the United Nations, although travel expenses are covered.
- NGOs should seek support for the proposed candidate from government officials working on children's issues or within the Ministry responsible for monitoring the implementation of the Convention.
- NGOs should send a letter to the Ministry of Foreign Affairs with well-reasoned arguments as to why this person would be a good candidate as it is typically the Ministry of Foreign Affairs that nominates candidates. It is important to encourage governments to nominate a candidate on the basis of merit alone rather than for political considerations.
- NGOs should work closely with UNICEF in this process as they often have the ear of high-level government officials.
- It is important that the proposed candidate have the strong support of the government, as the elections are part of a political process in which the amount of lobbying that the government is willing to do often ensures the election of the candidate. It is therefore essential that NGOs convince the government that a strong candidate who meets the recommended criteria would serve both to strengthen the membership of the Committee and to reinforce the prestige of the country.

### WHAT IS THE ELECTORAL PROCESS?

- A States Parties meeting will be held at the United Nations in New York in December in order to hold elections for nine members of the Committee.
- CVs of the nominees can be found on the website of the Office for High Commissioner for Human Rights at <http://www2.ohchr.org/english/bodies/crc/members.htm>.
- Each State Party has nine votes.
- In order to be elected on the first ballot, nominees must obtain more than 50% of votes of States Parties present and voting. If more than nine candidates receive an absolute majority, those with the largest number of votes are elected.
- If the number of candidates obtaining such a majority is less than nine, there will be additional ballots to fill the remaining seats.
- For additional ballots, voting is restricted to those candidates who obtained the largest number of votes in the previous ballot. Candidates for the second and third ballots are limited to not more than twice the places remaining to be filled.
- Voting continues until all nine places are filled.

### DOES THE BEST MAN OR WOMAN WIN?

- 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.
- 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.
- Geopolitical considerations play a strong role.
- Membership of the Committee itself, that of other treaty bodies and even that of other United Nations mechanisms are often primary considerations when it comes to voting.
- Election of Committee members are often dependent on successful lobbying by States Parties and the trading of votes, which often occurs, with little regard for the actual expertise of those elected.
- In order to ensure strong geographical representation, States Parties within a region often reach a consensus on candidates prior to the election itself. This helps to avoid a situation in which the distribution of votes is spread across too many candidates resulting in the election of few candidates from the region.

### CAN NGOS PLAY A ROLE IN THE ELECTORAL PROCESS?

Although NGOs have been successful in influencing the nomination process, they have been less successful in influencing the election process. Nevertheless, it is still important for NGOs to lobby government counterparts to try to ensure the best possible candidates are selected. It is important for NGOs to highlight that:

- Candidates should be judged by merit alone and not by political considerations.
- An equitable geographic distribution of membership is essential.
- The need to maintain a good gender balance is also important.
- NGOs should collect information regarding the suitability of the candidate from their own country on the basis of a number of criteria. These include:
  - a demonstrated expertise in the field of human rights, particularly children's rights
  - independence and impartiality
  - the ability to devote sufficient time to the work of the Committee
  - experience working with NGOs
  - an awareness and sensitivity to cultural differences.

### WHAT HAPPENS NEXT?

- The Office of the High Commissioner for Human Rights officially notifies newly elected members about their election. Most have already received this information from their government.
- New members officially begin their term as of March although the Committee does not meet until May.
- A two-day training session for new members is generally organized prior to the May session of the Committee.

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