



## **Elections 2016**

### **Committee on the Rights of Persons with Disabilities (CRPD)**

### **Committee on the Elimination of Discrimination Against Women (CEDAW)**

### **Human Rights Committee (HRCttee)**

### **Committee on the Rights of the Child (CRC)**

#### *Questionnaire for candidates*

Four UN Treaty Bodies (Committee on the Rights of Persons with Disabilities (CRPD), Committee on the Elimination of Discrimination Against Women (CEDAW), Human Rights Committee (HRCttee) and Committee on the Rights of the Child (CRC)) will have elections organised in June 2016.

In order to ensure the strengthening of the treaty body membership by promoting a merit-based and transparent elections process, Child Rights Connect, IWRAW Asia-Pacific and the Centre for Civil and Political Rights have launched a joint initiative to enable all States and other stakeholders to better understand the skills and experiences of the current candidates running for election to CEDAW, HRCttee and the CRC.

This questionnaire is part of this joint initiative; it is sent to all nominated candidates and is based on the criteria set forth in the relevant treaty. It echoes a similar questionnaire prepared by the International Disability Alliance (IDA) and submitted to the candidates running for election to the CRPD.

The responses to both questionnaires will be available on the website [www.untbelections.org](http://www.untbelections.org). The responses will also be shared with all UN Member States.

This initiative does not imply that we support or oppose any individual candidates.

## Open questionnaire to all candidates

### Generic section

1. Name: Ilze Brands Kehris

2. Nationality: Latvian

3. Current position: Visiting Scholar Columbia University, New York

4. a. Are you currently holding any position on behalf of, or for, your Government? If so, please give details: No

4. b. Have you held any position on behalf of, or for, your Government? May any of your previous positions compromise your actual or perceived independence and impartiality? If so, please give details: No

4. c. Please indicate any current or potential conflict of interest that may prevent you from exercising independence and impartiality in your work as a member of a UN treaty body.

No conflict of interest

5. What was the nomination process for your candidacy? Was civil society consulted?

Candidate submitted interest and CV to MFA on own initiative, followed by procedure of vetting and interview.

6.a. UN languages spoken fluently:

English, French, Russian

6.b: Level of English: Highest level of proficiency

7. Link to your full resume: [www.ohchr.org](http://www.ohchr.org); Human rights bodies>CCPR>Elections-35<sup>th</sup> session

8. Please summarise your experience relevant to this position (100 words):

I bring two decades of professional experience in the field of human rights, including minority rights, at both national and regional level, in positions requiring expertise, independence and impartiality. In a trajectory of increasing responsibility, I have gained a combination of theoretical and practical experience and have provided contextually sensitive expertise and advice to states on addressing challenges in the implementation of human rights obligations. I have experience in monitoring state compliance with Council of Europe conventions, have participated in the development of the EU Fundamental Rights Agency and have worked with human rights as a tool of conflict prevention in the OSCE.

9. During your possible service as a Committee member, what other positions or professional activities do you intend to engage in? Academic

## Treaty-specific section:

### International Covenant on Civil and Political Rights (ICCPR)

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*Please provide responses that are as precise as possible and in no more than 200 words per question.*

1. Why do you want to be a member of the Human Rights Committee?

The ICCPR remains a corner stone of the global human rights architecture and correspondingly the Human Rights Committee carries a great responsibility with respect to following and enhancing the implementation of the Covenant by States parties. In addition, the Committee has an important role to play in maintaining the coherence of the interpretation of human rights instruments globally and regionally, to which inter-regional expert dialogue amongst Committee members can contribute. My accumulated experience in human rights, and in particular civil and political rights in various contexts provides a combination of theoretical expertise and empirically grounded understanding that prepares me well to be a constructive contributing member of the Committee. After lengthy national and regional-level work in various institutional settings, including inter-governmental, I am ready to take on the responsibilities of an independent expert at the global level. I would see it as a great privilege to work collegially with experts from all regions of the world, pooling our experience and multiple perspectives towards the enhancement of our common goal of protecting and promoting human rights for all.

2. What are your specific areas of expertise in relation to the ICCPR? Please provide examples as appropriate. In particular, please specify if you have any expertise or knowledge in handling individual complaints/communications

At the national level I have worked directly with the substance of most of the articles of the ICCPR, addressing challenges in giving effect to the ICCPR through adoption of legislation as well as implementation of these rights in practice. Through both my national and regional level work I have gained more in-depth expertise in the areas of Article 27 (rights of persons belonging to ethnic, religious or linguistic minorities), Article 26 (equality before the law and prohibition of discrimination), Article 25 (participation in public affairs), Article 24.2. and 24.3. (child's right to registration at birth and right to acquire a nationality), Article 19 (freedom of opinion and expression), Article 21 (right to peaceful assembly) and Article 20.2. (prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence).

As the director of a human rights organization that amongst other activities also provided legal assistance to victims of human rights violations I guided and oversaw the work of legal professionals with individual complaints and I have provided expert opinions to

courts, including the Constitutional Court in Latvia, upon request. As a member of the Council of Europe Advisory Committee of the Framework Convention for the Protection of National Minorities I monitored the compliance of individual states with their obligations under the convention.

3. What do you think are the emerging issues and challenges in the implementation of the ICCPR? Please provide 1-2 examples.

Thematically, the increased urgency recognized globally in the areas of “people on the move” (refugees, asylum seekers, migrants, internally displaced persons and relevant persons not readily categorized) as well as security and human rights will also be reflected in an increased attention by the Committee to the range of related civil and political rights, including in the dialogue with States parties. In the context of both, but the latter in particular, the effect of new technologies, including ICT and biometrics, dramatically change the context of several rights, including Article 17, and may warrant a review of the corresponding General Comment (No 16 from 1988). Other themes dealt with in General Comments may benefit from updating, such as the General Comment No 11 (Article 20) and No 18 (non-discrimination), both from the 1980s, but consolidating the updates will undoubtedly provide a challenge.

In terms of the process of implementing the ICCPR the continued challenge of enhancing the effective dialogue with States parties remains, as does the backlog issue, while the significant but uneven reporting delays continues to pose a challenge to equitability amongst State parties. Continued progress in operationalizing recommendations from the Strengthening and Enhancing the work of the Treaty Bodies will contribute to better implementation of ICCPR overall.

4. What do you think are the challenges in the implementation of the ICCPR at the national level (for example normative, legal, structural, ideological or cultural)? Please provide 1-2 examples.

In my experience, it is often thought by many stakeholders inside and outside the legislature that achieving necessary legislative changes is complex and takes a long time in order to get coherence in the national legislation and full compatibility with international law obligations, including by legislation being specific enough to effectively protect the human rights in question, rather than declarative or overbroad, and thus difficult to implement. However, and in particular in times of systemic change and transitional institutional frameworks, the implementation of rights in practice, creating and strengthening necessary institutions tasked with human rights protection and promotion, as well as changing sometimes long-standing institutional culture and operational practice often proves to be an even more daunting task that takes concerted effort and time even when good will is present. Ultimately, protecting human rights in practice requires not only legislation and effective remedies in cases of violation, but wide-spread awareness, knowledge and acceptance of the rights in question both within institutions of authority and among the population at large.

5. State parties to the ICCPR are required to take steps to implement the Covenant. How do you propose that the Committee should help guide States in the effective implementation of Covenant standards?

If the perceived reporting fatigue can be addressed not only by streamlining procedures concerning reporting obligations of States parties, thus reducing required resources which is especially important for smaller states, but also by changing the perception of the interaction with the Treaty Bodies to one of gaining expert assistance that simplifies domestic implementation efforts, this could contribute to a more effective implementation of the ICCPR. For this to happen, the existing dialogue between States parties and the Committee needs to be further enhanced. Committee members need to make the necessary efforts to get a full and objective picture of the situation and context in each case, engaging with States parties in a two-way interaction where all sides experience that they not only speak and respond but also are heard. The Committee can provide effective guidance through its recommendations if these are realistic and implementable and States parties therefore will be more motivated to take ownership of required remedial measures.

The Committee also provides implementation guidance through the General comments, reflecting accumulated experience relating to specific rights or issues. Ensuring that these are widely and pro-actively disseminated and that knowledge of the ICCPR is spread at all levels of governance encourages better implementation.

6. What can the Committee do to further strengthen its engagement with other stakeholders including National Human Rights Institutions (NHRI), members of Parliament, judicial actors, civil society and UN agencies?

Regular engagement with all stakeholders is essential for plurality of views and for effective participation of stakeholders in assessments of situations, implementation of the ICCPR and awareness-raising of it, including updates on case law, concluding observations and general comments. A continuous information sharing, including good practices, is also an important way for the Committee to keep a direct link to information on developments and trends in the field.

Modalities of engagement can include ad hoc as well as regularly scheduled interactions, but formats such as formal, annual meetings by themselves are not sufficient for sustained engagement. Structured interactions focusing on specific topics or updates can use the existing stakeholder networks (the network of National Human Rights Institutions, the Inter-Parliamentary Union, etc.). Targeted updates on case law and dialogue with national judicial actors could be organized with regular intervals in specified forums or through web-casts to strengthen awareness of ICCPR-related developments, while the Committee would benefit from direct input regarding topical concerns common to judicial actors in various countries and regions. Regular and inclusive engagement with civil society, in addition to available venues for input during country reporting or formal meetings, is vital both for information to the Committee from key human rights actors in the field, as well as awareness raising on Committee work for civil society actors.

More efficient and effective sharing of developments with UN agencies should be part and parcel of human rights mainstreaming through all UN activities and a corresponding strategy for this purpose should be complemented with strengthening not only the formal, but in particular the informal channels of information and dialogue.

7. How do you see the Human Rights Committee strengthening the domestic and international environment for holding business/private actors responsible for violations under the Covenant?

In view of the increased attention in the last decade to the role of business/private actors in protecting and promoting human rights, and recognizing in particular the Guidelines endorsed by the Human Rights Council in 2011, including the Protect, Respect and Remedy framework, it would only be natural for the Committee to also enhance its attention to these relative new-comers to the human rights field. Exploring ways to engage directly with business actors on specific topics of direct relevance to them could include participation of the Committee in targeted multi-stakeholder forums at the UN and regionally, sharing state-of-the-art information on the most relevant civil and political rights concerned – especially since there may be a tendency to automatically assume that economic, social and cultural rights are the most natural focus for such actors. Enhancing Committee engagement with business actors and promoters of the Guidelines would contribute to building expectations that a human rights culture entails responsible actions by all, not only fulfilment of obligations by states. The Committee could also consider specific awareness raising activities within the context of other outreach plans where these aspects would be included for discussion, and a continued reflection on civil and political rights as relating to business/private actors would in itself contribute to the strengthening of the environment stressing the accountability of such actors.