



## **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: Yuval Shany

2. Nationality: Israel

3. Current position: Member of the Human Rights Committee; Dean of the Faculty of Law, Hebrew University of Jerusalem

4. a. Are you currently holding any position on behalf of, or for, your Government? If so, please give details: None

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:

I clerked in the Ministry of Justice 20 years ago, and worked subsequently for a short period of time as a free lancer lawyer, helping to prepare the first national report under the Covenant on Economic, Social and Cultural Rights. I have not had been employed by the government since 1998, and have worked in the preceding years mostly with NGOs challenging governmental policy in the field of human rights law. My independence and impartiality is beyond question.

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. None

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

The process of re-nomination was internal. The decision has been strongly supported, however, by civil society (with which I am closely affiliated).

6.a. UN languages spoken fluently: English, French

6.b: Level of English: Fluent

7. Link to your full resume:

[http://law.huji.ac.il/upload/ys\\_cv.pdf](http://law.huji.ac.il/upload/ys_cv.pdf)

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

I have been a member of the Human Rights Committee for the last 4 years, and have been serving on the Committee as the co-rapporteur for the new General Comment (No. 36) on the Right to Life and a co-rapporteur for new communications and interim measures and for repetitive communications. I am also an academic who has published extensively on human rights law, and headed a human rights research institute (Minerva Center for Human Rights) and a transitional justice program. I have also worked with NGO

on a multiplicity of human rights issues in Israel, the Occupied Territories and abroad (including on one of the Guantanamo cases), and have helped the government prepare an initial report to a treaty body.

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

I will continue my service as a human rights law and international law professor at the Hebrew University of Jerusalem and as a senior research fellow at the Israel Democracy Institute.

## 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 work of the Committee is extremely important, and I wish to continue to contribute to maintaining its high professional legal standards and its strong role monitoring implementation of the Covenant. I derive deep satisfaction from the work of the Committee, which allows us, at times, to serve as the voice of victims of human rights violations (especially under the First Optional Protocol), and at other times, to promote better general standards of protection of human rights. This combination between helping disempowered individuals and groups and helping steer the direction of international human rights law makes membership on the Committee a very rewarding function, entailing a great responsibility. I have a special interest in seeing through the adoption of General Comment 36 on which I have devoted much time, energy and thought.

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

I have worked extensively on the Right to Life (and co-wrote the first draft of the general comment as a co-rapporteur), and on issues relating to scope of application of the Covenant, the application of human rights in times of conflict and accountability for human rights violations – topics on which I have written extensively as an academic. I have also worked intensively as an academic and Committee member on issues relating to the effectiveness of international bodies, such as the Committee, and have initiated the adoption of a new procedure to handle repetitive communications.

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

The main challenges for the Committee remain limited awareness to the work of the Committee and to the standards it has promulgated, and the lack of political will by UN political bodies and by the member states to support the implementation work of the Committee. In terms of emerging issues, the current migration crisis is putting the international system of protection under great pressure, calling for a more comprehensive and coordinated response, based on human rights principles. The Committee has an important role to play in all these areas – raising the profile of its activities, interacting with

other international agencies (see bellows) and the member states, and resisting attempts to call into question the adequacy of basic human rights standards in times of crisis.

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.

Beyond the problems arising from limited incorporation of the Covenant, there are still significant challenges relating to the need to strike a balance between the universality of the human rights protected by the Covenant and the diversity in membership that may call for gradual implementation of certain positive obligations, with deep cultural context (such as addressing gender stereotypes) and for greater involvement of national institutions in developing robust implementation strategies. It is particularly important that the Committee support in its work the existence of a space for civil society to weigh in national implementation processes, and encourage states to adopt benchmarks for full implementation of their positive obligations.

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?

The Committee should devote more attention to the existence of legal and political safeguards to implementation – the compatibility of national legislation with Covenant standards, the possibility of invoking Covenant standards before national courts, the operation of a strong National Human Rights Institution (conforming to the Paris Principles) and Parliamentary committees and the existence of free space for civil society activity. The Committee should also encourage 'good practices' of involving civil society during the preparation of periodic reports. It is not for the Committee, however, to provide technical assistance to the member states about implementation (this is a function to be carried out by other parts of the OHCHR and by international NGOs)

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?

The Committee should strive to interact with diverse national stakeholders during the sessional briefings accompanying State reports, and should encourage States to include in their delegations' members of all branches of government (but not of NHRIs, who should operate independently of governments). The Committee should also strive to have cross-cutting regular interactions with other UN agencies, including the Council, other treaty bodies, mandate holders and various other agencies (OHCHR, OIM etc.).

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?

The Committee has started in recent years to require member states to report on the mechanisms for supervising the operations of transnational corporations headquartered in its territory. This practice should continue. In addition, the Committee has expressed an interest in the application of international criminal law, including extra-territorial jurisdiction statutes, to violations occurring within state parties, or in which they were involved. This practice should also continue. Both of these developments stem from a robust understanding of the duty to ensure human rights articulated in para. 2(1) of the Covenant, and they should complement efforts to ensure the full enforcement of treaty obligations by the host states in which transnational businesses and other private actors operate.