**United Nations General Assembly**

**Guidelines for making sure committee members of human rights agreements are independent and fair**

Plain English version of:

**Guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa guidelines”)**

**A/67/222, Annex I**

**Note:** This is not a United Nations official document.

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6. **Introduction**

**What words mean**

Some words are explained in the text.

Other words are in **bold** and are explained at the end of this document, in the word bank on page 25.

**About this document**

This document explains how committee members for **human rights** agreements need to be independent and fair.

**What is a human rights agreement?**

Human rights agreements protect our human rights. They contain rules about how people should be treated.

Countries agree to follow the agreements and make sure people in their country have their rights protected.

There are many human rights agreements. For example, the Convention on the Rights of Persons with Disabilities or the Convention on the Rights of the Child.

Many human rights agreements have extra agreements that countries can follow as well, called Optional Protocols.

You can see a full list of the agreements and their Optional Protocols at:

https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx

**What is a human rights committee?**

Each human rights agreement has a committee.

Each committee is made up of experts from different countries who monitor how well each country follows the agreement.

The committee also helps countries understand how to protect people’s rights.

**What is a Chair?**

Each committee also has a Chair. This is a committee member who makes sure the committee does its job properly.

The Chairs of the committees meet every year to discuss how committees can be more effective.

1. **The background to these guidelines**

For their 24th meeting in June 2012, the Chairs of the committees met in Addis Ababa in Ethiopia.

They talked about and agreed on these guidelines for how committee members should be independent and fair.

These guidelines are sometimes called the Addis Ababa guidelines.

When the Chairs wrote these guidelines, they kept the following things in mind:

* The human rights agreements are important when it comes to making sure committee members are independent and fair.
* When they met in Addis Ababa, the Chairs agreed to

make the rules about being independent and fair stricter for committee members. They also agreed to make them as clear as possible.

* The **Secretary-General** believes the committees are one of the greatest achievements in the history of the fight for human rights around the world. And they’re very important when protecting human rights.
* The United Nations **High Commissioner for Human Rights** wrote a report on making the **human rights treaty body system** stronger. The report is called United Nations reform: measures and proposals. It says each committee can decide how it works and what rules to follow. The report also says each committee must make sure it is fair and independent, in line with the rules of its human rights agreement.
* The **General Assembly** believes each committee is important for making sure everyone’s human rights and **basic freedoms** are respected andprotected**.**
* Each committee has the right and the **mandate** to create its own rules.

The Chairs of the human rights committees recommend each committee uses these guidelines as soon as possible, and makes them part of their rules.

1. **General rules for committee members**

**Being independent and fair**

Each committee member must be independent and fair to be able to do their job. So, they must do their job in their **personal capacity**.

As well as acting independently and fairly, committee members must be seen as independent and fair by a reasonable observer. A reasonable observer is an average person in society.

**Avoiding conflict of interest**

There may be times when a committee member could have a conflict of interest, or be seen to have one.

A conflict of interest is when someone can’t make a [fair](https://dictionary.cambridge.org/dictionary/english/fair) [decision](https://dictionary.cambridge.org/dictionary/english/decision) because they will be [affected](https://dictionary.cambridge.org/dictionary/english/affected) by the [result](https://dictionary.cambridge.org/dictionary/english/result).

A conflict of interest can be real or perceived.

A real conflict of interest is where there is an obvious reason why someone might make an unfair decision.

For example, if someone choosing a supplier will make money if a specific supplier gets the job.

A perceived conflict of interest is where a reasonable observer might think someone could make an unfair decision.

For example, if someone choosing a supplier gets a personal gift from a supplier trying to influence their decision. This could look like it affected the decision, even if it didn’t.

Real or perceived conflicts of interest can be related to a committee member’s:

* **nationality** or where they live
* job or previous jobs
* relationship with or membership of an organization
* family or friends.

For example, a reasonable observer may think a committee member can’t make fair decisions about their own country.

We don’t consider any committee member to have a real or perceived conflict of interest because of their:

* race
* **ethnicity**
* religion
* sex
* disability
* colour
* **descent**
* any other reason for **discrimination** described in the human rights agreements.

**Agreeing to follow the rules about independence and fairness**

When someone becomes a member of a committee, they promise to follow the rules of fairness and independence in the committee’s human rights agreement.

**Acting independently**

Once an expert joins the committee, they stay on it for as long as the agreement’s rules say they can.

They can only be made to leave if the committee thinks they should.

No person, country or group can order or pressure committee members to do anything or affect their decisions, including their own country.

Committee members must act independently and not ask for or accept orders. They must make decisions in line with their morals.

The committee will hold them responsible for what they decide.

Committee members don’t have to explain their decisions to their country or any other country.

**Making sure all countries are treated equally**

In each committee, the members are **nationals** of only a limited number of countries.

When a national of a country joins a committee, it’s important they don’t treat their country differently to other countries, or look like they do.

So, committee members with more than one nationality:

* must tell the chair of their committee and the **secretariat**
* can’t take part in work about their own countries. For example, reviewing **complaints** or reports, visiting those countries or making **inquiries** in those countries.

Committee members should make sure everything they do is fair and that every country is treated the same.

1. **How to follow the general rules**

**Making sure relationships with countries don’t cause a conflict of interest**

The **executive branch** of a country’s government chooses who they want on a human rights committee.

The other countries who follow the human rights agreement then vote to decide if that person can join the committee.

This means a reasonable observer might think the committee member has a conflict of interest because they were chosen by the executive branch.

So, committee members should avoid roles or activities that clash with their responsibilities to the committee, or look like they do to a reasonable observer.

Sometimes committee members advise a country about reporting to the committee, or about something else the committee needs to decide on.

If they do give countries advice, they must avoid a conflict of interest, or anything that could look like one to a reasonable observer.

**Reviewing a country’s reports**

Committee members can’t take part when the committee reviews a country’s report if they have a conflict of interest, or it looks like they do. This is the same for when the committee’s **subsidiaries** look at a report too.

Committee members with a conflict of interest also can’t take part in other work about a country’s report that isn’t specifically mentioned in these guidelines.

For example, the committee member can’t be involved in:

* following up the report and asking the country for more specific information
* early warning and urgent action to stop a serious **violation** of human rights before it happens.

If a committee member has a real or perceived conflict of interest with a country, they must follow these rules:

* They can’t take part in the committee’s discussions, debates and other public meetings about the country. But they can be there to watch.
* They can’t be part of the committee’s private discussions, briefings or other meetings about their country with other organizations. For example, other United Nations departments, other organizations that fight for human rights or **civil society organizations**. But they can see the documents involved.
* They can’t attend the committee’s discussions, debates or other private meetings about their country. For example, when the committee creates **concluding observations**, or other committee documents, about their country.

**Considering complaints**

A committee member can’t have any say when a committee handles a complaint, if they:

* are a national of the country involved in the complaint
* have a real or perceived conflict of interest to do with the complaint, the country involved or anything else
* were involved in any decisions mentioned in the complaint, except as a committee member.

**Taking part in country visits and inquiries**

If there’s a real or perceived conflict of interest, the committee member must not:

* visit the country involved
* help prepare for a visit to the country involved or an inquiry
* do any work to follow up the visit or inquiry
* review any reports from the country involved.

**Other times there may be a conflict of interest**

Some committee members belong to, and make decisions for, other organizations outside their committee. For example, private companies, civil society organizations, universities or government organizations.

This can cause a real or perceived conflict of interest with their work on the committee. So, they must avoid roles or activities with those organizations that could make them look like they’re not being fair and independent.

**Being clear about acting independently**

Some committee members take part in human rights activities in other international organizations, like panels, training courses and seminars.

They may also take part in activities organized by countries, civil society organizations and other organizations that fight for human rights.

When they do, they must be clear they’re acting and speaking for themselves, not the committee they belong to.

But they can speak or act for the committee if their committee has given them permission.

**Following these guidelines**

Every committee member is responsible for following these guidelines.

If a committee member thinks they have a conflict of interest, or may be seen to, they must tell the chair of their committee straightaway.

The chair must remind the committee members about the guidelines whenever necessary.

Every committee should make sure all its members are independent and fair at all times.

1. **Word bank**

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| --- | --- |
| **Word** | **What it means** |
| **Human rights** | Rights that everyone has, like the right to education or the right to be treated fairly |
| **Secretary-General** | The head of the [United Nations](https://en.wikipedia.org/wiki/United_Nations_Secretariat) who oversees its work and is responsible for its performance |
| **High Commissioner for Human Rights** | The leader of the United Nations’ work on protecting human rights |
| **Human rights treaty body** | Human rights committee |
| **Human rights treaty body system** | The collective name for the human rights committees |
| **General Assembly** | All the countries that are members of the United Nations. They meet once a year and make decisions about policies for things like peace and security in the world. |
| **Basic freedoms** | Freedoms that everyone has  For example, freedom of association, which includes the right to join or leave groups freely. |
| **Mandate** | Official orders to do something  For example, a committee’s mandate is to protect human rights and make sure countries follow their specific human rights agreement. |
| **Personal capacity** | When someone acts as themselves and not on behalf of someone else – for example an organization or their employer |
| **Nationality** | This shows what country someone was born in.  For example, if someone was born in France, their nationality is French. |
| **Ethnicity** | A social group with shared culture or traditions that someone is part of |
| **Descent** | A person’s background in terms of family or nationality |
| **Discrimination** | When someone is treated unfairly because of something about them, like their disability, skin colour or sex |
| **A national** | Someone with a passport for a specific country  For example, someone with a Spanish passport is a Spanish national. |
| **Secretariat** | United Nations staff who support committees with administration and legal work |
| **Complaint** | When someone tells the committee in writing that their rights have been violated |
| **Inquiries** | Investigations about human rights violations |
| **Executive branch** | The part of government that deals with carrying out laws and policies |
| **Subsidiaries** | Smaller groups of committee members who work on specific things |
| **Violation** | When a rule is broken or somebody’s rights are disrespected |
| **Civil society organizations** | Small or large groups that are not part of the government that help governments write policies and make sure they follow them |
| **Concluding observations** | The document a committee writes after its review of a country. It has information on how well a country is following a human rights agreement, including what’s working and what they need to do better. |