



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. 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: Anja Seibert-Fohr

2. Nationality: German

3. Current position: Vice Chair of the Human Rights Committee; Director of the Institute for International and European Law; Chair of International Law and Human Rights, Goettingen University

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.

None

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

Nomination after consultation with experts in the field of human rights

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

6.b: Level of English: proficiency

7. Link to your full resume: <https://www.uni-goettingen.de/en/525778.html>

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

After my election to the Human Rights Committee in 2012 I was the Committee's mandated Co-Rapporteur on Follow-Up on Concluding Observations until 2014. Since 2015 I have been serving as the Committee's Vice-Chair.

As an active legal practitioner and advocate I have been engaged in several rule of law development initiatives. In co-operation with the Organization for Security and Co-operation in Europe I directed a joint project on judicial independence that led to the Kyiv Recommendations on Judicial Independence.

I also teach international human rights and have published a large number of works in this field of law.

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

I will continue teaching law at university.

Treaty-specific section:

International Covenant on Civil and Political Rights (ICCPR)

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?

I would like to continue my work on the Committee and bring in the extensive experience that I have gained during my first mandate as a member and Vice-Chair of the Committee. My intention is to sustain the continuity of the Committee's work and jurisprudence. I am particularly devoted to ensuring that the Committee's views are well-considered and that the Committee's recommendations and comments are sustainable and enduring.

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

In its role as a monitor, but also providing assistance with the domestic implementation of the Covenant, the Committee has made a significant contribution to the effective, universal protection of human rights. It is important that the reports and communications submitted to the Committee are considered by a membership of distinguished, independent, and highly-competent professionals who possess the requisite legal expertise in the often-complex and dynamic field of International Human Rights Law. My training in the civil law and common law, and my involvement in several comparative law projects positions me to understand the different legal systems of the Covenant's many States Parties. I am able to appreciate the way these different socio-legal traditions demand a contextually sensitive implementation of the Covenant. Fundamental freedoms and due process rights have been a cornerstone of my academic work.

Since 2013 I have been regularly serving on the Committee as rapporteur for the review of country reports and individual communications. As a lawyer I have the legal expertise which is indispensable for the consideration of individual communications. During my mandate as co-rapporteur on follow up to concluding observations I have gained first hand expertise in the implementation of the Covenant.

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

At the wake of the 21st century, globalization has become a predominant aspect of our current life, influencing almost all forms of human interaction. The network of transnational interchange is thickening giving rise to new challenges for universal human rights protection. At the same time, new actors who act transnationally come into play.

Universal human rights protection will only be able to address these new challenges effectively if it adequately grasps the transnational reach of authority and takes due account of the proliferation of actors.

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 order to enhance the implementation of the Covenant we need to enhance the interaction and complementarity of domestic and international human rights protection. Institution-building and strengthening the rule of law are key parameters to enhance the implementation of the Covenant on the domestic level. All branches of government play a key role in the effective implementation of the Covenant. For this matter it is essential to increase the necessary training and expertise in the International Covenant on Civil and Political Rights and knowledge of the Committee's jurisprudence in all areas of public life.

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?

To enhance the effectiveness of universal human rights protection, the Committee must reinforce its monitoring mandate with the necessary legal expertise. The Committee can best help States parties in the implementation of the Covenant by giving concrete advice. An understanding of States Parties' socio-cultural context is needed in order to comprehend the particular circumstances of any specific country. On this basis specific recommendations can be devised to support the sustainable and enduring implementation of the Covenant.

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 engages with stakeholders in various ways. In preparation of the session we invite information and carefully review the material that is submitted to us. At the beginning of each session there is a hearing which allows all interested stakeholders to present their observations and concerns. These avenues of communications should be widely publicised in the respective countries. Moreover, representative from NHRIs and UN agencies present their reports in the beginning of each session. Members of the Committee regularly attend country specific meetings. It would be beneficial to have more video-conferences to reach out to those stakeholders who lack the necessary resources to travel to Geneva.

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 encouraged States parties to set out the expectation that all business enterprises domiciled in its territory and within its jurisdiction respect human rights standards in accordance with the Covenant throughout their operations. In order to enhance the implementation of universal human rights guarantees there is a need to strengthen the remedies available for persons suffering from human rights abuses committed abroad.