

**GENEVA
ACADEMY**

Académie de droit international
humanitaire et de droits humains
Academy of International
Humanitarian Law and Human Rights



Strathmore University
Law School



University of Nairobi



**UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA**
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AGENDA

Regional Consultation for Africa

Nairobi, 20 – 21 July 2017

Overview

The United Nations human rights treaty body system comprises ten different committees of independent experts, one for each of the core international human rights treaties. These bodies are tasked with monitoring and assisting the implementation of State parties' treaty obligations. Their shared functions involve assessing periodic reports from State parties and issuing "general comments" on the interpretation of their respective treaties. In addition, most treaty bodies are empowered to consider individual petitions alleging treaty violations, and some may initiate country-specific inquiries into potentially grave human rights situations.¹

Background and Process

In 2014, the United Nations General Assembly adopted Resolution 68/268, which makes several changes to the working procedures of the human rights treaty bodies. The measures specified in Resolution 68/268 are intended to enhance the capacity of the system to manage increasing volumes of work; to foster more efficient monitoring of States by the treaty bodies; and to improve collaboration between relevant stakeholders. A final review of this Strengthening Process accompanied by recommendations to enhance the longer-term viability of the treaty body system will take place in the UN General Assembly in 2020. To inform this review, the Secretary General was charged with producing biennial reports on the implementation of Resolution 68/268 in 2016 and 2018.

To contribute to the process leading up to the General Assembly's 2020 review, and specifically to help inform the 2018 report of the Secretary General to the General Assembly, the Geneva Academy has initiated a global academic process to gather ideas and recommendations to put forward in the intergovernmental debate. Central to this process is a series of regional consultations. Consultations took place in 2016 in Dublin, Ireland; Moscow, Russia; and San Jose, Costa Rica and in 2017 in New York City, USA; further consultations are scheduled in New Delhi, India and in Amman, Jordan.

These consultations aim to engage experts from around the globe in generating innovative ideas for how to improve the functioning, and deepen the impact of the U.N. human rights treaty bodies. Their objective is to gather theoretically and practically grounded assessments of ongoing efforts to strengthen relationships, communication, and coordination among the human rights treaty bodies, and to identify additional opportunities for building relationships and leveraging synergies between the treaty bodies, other UN mechanisms, and regional human rights systems. The consultations will also provide opportunities to reflect constructively on the work of the treaty bodies in the context of other U.N. organs and processes and the regional human rights system.

The Nairobi Consultation

Strathmore University, the Universities of Nairobi and Pretoria, and the Geneva Academy are now inviting experts from academia, civil society, and persons with experience working in the U.N. and regional human rights systems to participate in the Nairobi consultation. This

¹ See <http://www.ohchr.org/EN/HRBodies/Pages/WhatTBDo.aspx> for a complete description.

consultation will take place over two days on July 20-21 2017 at the Law School of Strathmore University, at the Strathmore Business School Building.

The agenda will be organized around brief presentations of ideas on the questions and topics outlined below. The format will emphasize interactive dialogue and participation.

Participants are asked to submit short (~1500 to 1800 word) thought papers on one or more of these research questions, and to offer recommendations for how to improve the effectiveness of individual treaty bodies, or the system as a whole. They will have the opportunity to present those papers for discussion at the corresponding agenda item.

DAY 1: THURSDAY, JULY 20

8:30 - 9:15 Registrations and Coffee

9:15 - 9:30 Welcome & Introductions

- Host Welcome and Brief Introduction to Goals of the Conference: Luis G Franceschi, Dean, Strathmore Law School

9:30-9:45 **Opening Addresses**

- Address by Foreign Ministry of Kenya (tbc)
- Florian Gubler, Chargé d'affaires a.i. of Switzerland to Kenya

9:45-10:45 **Situating this Consultation within the Global Academic Platform and the TB Strengthening Process**

- Scope and Aims of Global Project (Felix Kirchmeier, Geneva Academy)
- Specific Aims for this Regional Consultation (Florence Simbiri Jaoko, University of Nairobi)
- Relevance of complementarity between African and UN systems to treaty body strengthening (Willem Gravett, Pretoria University)
- Status of Implementation of GA 68/268 (Abdu Mohammed Ali, OHCHR)
- Introduction to past proposals for reform (e.g., unified standing treaty body; consolidated reporting; joint working group on communications) and proposals emerging in the global network (Domenico Zipoli, Geneva Academy / tbd OHCHR)

10:45-11:15 **Coffee Break**

11:15-12:30 **Best Practices to Promote and Enhance Global Human Rights Compliance**

What is the role of the treaty body system in fostering human rights compliance? What modalities of treaty body engagement have been the most effective and/or impactful in Africa – reporting/constructive dialogues, individual communications, GC's, consultation with civil society/follow-up, (all of the above)? Are there lessons to be learned from the African system regarding ways to improve the functioning of the treaty bodies?

12:30-1:30 **Lunch**

1:30-3:00 **The Importance of Accessibility of the UN Treaty Bodies for Human Rights Monitoring and Implementation**

This session will focus upon the importance of accessibility of the work of the treaty bodies and the ability of treaty bodies to engage with stakeholders to improve cooperation and information sharing. Specifically: How can technology enhance the roles, impact, and working methods of treaty bodies? How can it enhance accessibility for states, NGOs, and other stakeholders? How should information/data regarding concluding observations, rulings on individual complaints, and associated contributions from member states and other stakeholders be organized and searched so as to optimize the accessibility and impact of treaty bodies?; and how can the TB system become more visible on the African Continent?

3:00-3:15 **Break**

3:15-5:00 **Considering, Adapting & Integrating Previous Proposals for Treaty Body Reform**

This session will delve into how recommendations raised in the earlier discussions, and in concept papers, should inform treaty body reform efforts. The session will focus specifically on relevance and impact of past recommendations for treaty body reform and how they might be adapted, improved, and/or integrated to enhance human rights compliance and address the implementation gap. Some of those proposals include especially:

- Consolidation of reports to the treaty bodies
- Comprehensive Reporting Calendar
- Coordinated Review by all TBs
- Joint Treaty Body Working Groups
- on Individual Communications
- according to substantive divisions
- Criteria for Membership/Elections
- Specialized body for Follow-Up and Implementation

7:30 **Dinner hosted by Open Society Justice Initiative**

DAY 2: FRIDAY, JULY 21

8:30-9:00 **Coffee**

9:00-10:30 **Maximizing the Effectiveness of Interactions with States**

This session will address the ways in which treaty bodies can enhance state engagement to foster greater human rights compliance and accountability. What practices can improve the timeliness and quality of state reporting? What methods and modalities contribute to constructive dialogue with states, as well as ongoing monitoring of compliance with recommendations that arise during periodic reviews of state human rights records, as well as individual cases?

10:30-10:45 **Break**

10:45-12:15 **Universal and Regional Complementarity and Synergy**

How complementary is the current UN treaty body system in relation to other human rights mechanisms, including the African system? What are the ways that the African human rights system has been the most impactful, and what conditions enabled that? How could complementarity and synergy between the treaty body system and the African system be optimized?

12:30-1:30 **Lunch**

1:30-2:30 **Conclusions & Next Steps**

- Key Take Aways
- Points of Agreement
- Research to be continued
- Outcomes Document & Continuing the Conversation
- What else needs to be explored, documented, and written about on the impact and effectiveness of TBs in the region? How can participants help fill this gap?

2:30 **Closing Remarks**

END OF CONFERENCE