

Academic Platform on the 2020 Review of the Treaty Body System Global Meeting of the Academic Network on the 2020 Treaty Body Review - December 2016

Report of the meeting

I. Introduction

The Meeting was organised and hosted by the Geneva Academy of International Humanitarian Law and Human Rights with support from the Friedrich-Ebert-Stiftung, Geneva Office. It represented the continuation of the global consultations under the Academic Platform lead by the Geneva Academy for the 2020 Review of the UN Human Rights Treaty Body System following the General Assembly's 2014 Resolution A/Res/68/268 on Strengthening and enhancing the effective functioning of the human rights treaty body system. It offered an opportunity for academics and others to review and discuss the issues considered by the three regional Workshops that had been held in 2016 (Dublin, Moscow and San Jose). A number of participants, particularly from civil society, had not attended any prior consultations, while several of the academic participants had been involved in prior meetings. The principal aim of the meeting was to take stock of the progress made with a view to helping identify the best ways in which to take the project forward into 2017. The meeting was attended by academics from various regions, as well as observers from civil society and Treaty Bodies. The participants discussed many aspects of the treaty body system and this report is a summary of the main issues addressed at the meeting.

At the occasion of this conference and to benefit from the presence of non-Geneva based participants, the Academy organized in collaboration with the Missions of Switzerland and Costa Rica a briefing for states and in collaboration with the International Service for Human Rights a briefing for NGOs, to broadly inform about the process.

II. Overview of state of the Project

1. In introductory addresses the meeting participants were reminded of the context of the establishment of the Academic Platform by the Academy and of the ever-increasing pressures faced by both the Treaty Body System in managing its increasing workload and states in meeting their reporting and other obligations. The General Assembly Resolution 68/268 had addressed some but not all of the capacity issues but issues of coherence in working methods and jurisprudence remain unresolved. All participants were given the opportunity to comment on their expectations of the discussions, and a wide range of views emerged about the scope and nature of the academic process, along with comments on some of the issues discussed in the Regional Workshops.
2. A series of presentations was given summarising the main elements discussed at each of the Regional Workshops by a convenor including information about the participant composition of the different workshops. The participants had the summary reports of each meeting available to them, although for the San Jose meeting the report was still in draft form and had not been posted on the Academy website like the others. (All three reports are now available online).
3. In respect of the Dublin Workshop in July 2016, the meeting was informed about how the discussion began with an overview of the general context in which the current review of the Treaty Bodies is taking place with substantial changes in the architecture of the United Nations human rights institutions having occurred since the creation of the Human Rights Council in 2006, particularly the process of Universal Periodic Review it had established. This means that the landscape of the review had many new factors to take into account which have evolved since the other processes of review in previous recent decades, including the operation of NHRIs and civil society actors, and the contribution they can make to the promotion and protection of human rights. The Dublin meeting had acknowledged the need to balance a visionary approach with a degree of pragmatism as to what might be practically and politically achievable. To this end, it had looked at General Proposals in relation to the modalities of the

reporting process, the handling of individual complaints, the nature and role of General Comments and the follow-up of Treaty Body recommendations. It also looked at proposals for structural change, and how this might be accomplished with regard to re-organising the structure of the Treaty Bodies, follow-up and individual communications. While many ideas were discussed there was no unanimity on any particular approach. (For more information, see separate meeting report of Dublin).

4. In respect of the Moscow Workshop held in November 2016, a key element that was highlighted was that no new initiatives should be introduced that could undermine the current effective functioning of the Treaty Bodies and particular emphasis was given to their independent and autonomous nature. The important role of states in relation to ensuring the effectiveness was also highlighted and this could be improved through transparency so that more information was more easily available to the Treaty Bodies and to the public and civil society. The meeting looked at areas of improvement within the current arrangements and there was discussion of the state/Treaty Body interface and the possible benefits and disadvantages of a unified state reports and unified questionnaires as well as the benefit of more frequent dialogue between states and the Treaty Bodies. There was also discussion of the organisation of the work of the Treaty Bodies and the efficiencies that better use of modern technology might permit, especially with regard to access to information. The working methods of the Venice Commission of the Council of Europe were described as a good example. There was also discussion of a unified treaty body which might allow costs saving and simplified procedures with more comprehensive reports, but challenges such as the need for increased professionalization of the Treaty Body members were also acknowledged, as well as safeguards to maintain their independence. The meeting also considered the utility of General Comments and the nature of the meetings of chairpersons, as well as better inter-state cooperation and the need for a suitable platform for elections. (For more information, see separate meeting report of Moscow).

5. In respect of the San José workshop, held equally in November 2016 main issues addressed

included the challenges of coordination and capacity that have resulted from significant expansion of the treaty body system, and the development of proposals to both ensure that the treaty body system is sustainable, and to enhance the effectiveness of treaty bodies in addressing human rights abuses and strengthening compliance with human rights norms. To this end, this regional meeting focused upon (a) elaborating long and short term proposals to strengthen relationships, communication, and coordination among the treaty bodies, and (b) identifying opportunities to enhance global human rights protection through more institutionalized and effective relationships and coordination among the treaty bodies and other UN human rights mechanisms and regional human rights systems, particularly the Inter-American Human Rights System.

Conclusions of this meeting showed that improving connectivity, coordination, and harmonization among treaty bodies, and strengthening relationships with civil society, States, and national level human rights mechanisms through technology and other means will enhance the capacity of the treaty body system to effectively fulfill its mandate. Participants emphasized that with sufficient resources and support to undertake the proposals, treaty bodies can enhance their efforts to improve human rights compliance and accountability in partnership with key stakeholders. (For more information, see separate meeting report of San José).

6. It was acknowledged that each of the Regional Workshops had touched on a number of common themes, and the presentations were followed by discussions on some of the specific topics addressed in those meetings, where participants voiced their own reactions to the benefits and challenges of certain possible approaches. This included a reminder of the need to focus on the terms of GA Resolution 68/268 as a guide for the reflections and the goal of trying to create a highly effective Treaty Body system that could impact on the ground. It was also mentioned that future thinking should factor in that in the years ahead the treaties may all be universal, and on the relative absence of visibility of the current Treaty Bodies. There was also considerable discussion on the role and contribution of the different types of participant in relation to the process and some participants queried the scope of the exercise and the breadth of its consultation methodology. The essential academic nature of the process was underlined

and as well as the fact that the process had been designed to facilitate academic reflection on the issues with the benefit of input from the practical perspective of other observers. The academic analysis and rigour was however the most fundamental aspect of the process and it was accepted that the main outcome of this meeting was to identify academic research questions for the period ahead, building on the issues identified in the regional workshops. In this spirit, the plan for continued discussion was refined with a view to establishing the most empirical approach for the ongoing academic research into the issues.

7. The meeting was also informed of the need for different parties to work on contributions that could be valuable in relation to the General Assembly's 2020 Review of the Treaty Bodies and that this was not the exclusive domain of the Geneva Academy; civil society and other stakeholders could also engage in different parallel initiatives engaging a wider range of opinions.
8. Among the topics raised by participants was the need to provide better protection for victims as one of the goals of a more effective system. Other expressed their support for a single report and suggested that the detailed modalities for this should be prepared, while the idea of a unified Treaty Body was considered to be gaining support, while others suggested that there would already be benefits from clustering issues. There was general recognition that more detailed study of how such changes would work in a practical sense. Some considered that there would be resistance to change that was too radical and that all proposals need to be developed with care and with adequate research, including those smaller steps which might nonetheless result in improvements.
9. Participants then had the opportunity to work in smaller groups addressing a range of areas of potential future research. Following discussion, a representative of each group summarised the viewpoints addressed and any conclusions or recommendations reached by their group. A series of future research areas was refined based on this input and is included at the end of this Report. There was agreement, particularly reinforced by the academics present, that the long

term research required for a proper academic review needed to be adequately resourced and that efforts for ensuring good collaborative research efforts should be undertaken, but not only under the Academic Platform which was operating as a convenor and facilitator in this respect with limited resources to finance research itself.

10. In conclusion it was agreed that throughout 2017 more specific research will be undertaken, additionally to regional meetings specific meetings organized in order to reach the necessary level of detail to put forward concrete suggestions to the intergovernmental process. Academic contributions will especially be solicited in response to underexplored research questions and on the areas identified during the conference (see annex). Information on those will be available on the Academy website dedicated to this [project](#).

III. Annex: DRAFT LIST OF RESEARCH AREAS

This list sets out areas identified during the discussion, workshop 8-9 December 2016 for further research.

I. TREATY BODIES FUNCTIONING

- 1. Single report/ single(unified) questionnaires/single outcome**
- 2. (Common) follow-up modalities (mechanism)**
- 3. Grouped TB dialogue (sections):**

Grouping could go different ways. One idea would be:

- 3.1. General (HRC/CESCR)
- 3.2. Specific / Thematic (all the others)

OR Clusters:

- 3.3. Cluster one – reports
- 3.4. Cluster two – individual complaints

- 4. Membership's characteristics and analysis**
- 5. Strengthening individual complaints procedure**

II. TREATY BODIES RELATIONS WITH:

- 1. National mechanisms /ground**
- 2. Regional bodies**
- 3. The rest of the UN system**
- 4. Reactivity of the TB system in timely manner**