

## **Annual Conference of the GHRP – Connectivity of Human Rights Mechanisms**

# **CONCEPT NOTE - Panel 4**

**Law- making in human rights mechanisms  
and the jigsaw of instruments and  
initiatives: are they all law, what are their  
similarities, differences and potential of  
connectivity?**

Maison de la Paix (Pétale 5), Monday 3 June 2019,  
16:00 – 17:30

This session will be organized in form of a round table of several panelists, discussing the indicated questions. First, experts in the "round table" will address some of the questions below and react to their peers, and then the floor will be open to debate with the public.

The debate will address a selection among general and concrete issues such as:

- *Are there perspectives of ensuring the connectivity of human rights mechanisms' recommendations through harmonization of their work?*
- *How to ensure a coherent interpretation by various human rights mechanisms in the situation of chronic under-resourcing of their activities, taking into account that States are the major actors financing their work?*
- *Questions regarding particular work of the Commission on South Sudan and the work of the treaty bodies, examples of connections between these two.*

The discussion will be shaped in three blocs:

## **I. LAW-MAKING BY THE UN HUMAN RIGHTS COUNCIL: RELATED QUESTIONS AND CONCRETE EXAMPLES**

- What is the legal status of the Human Rights Council's outcomes (resolutions, decisions, and Presidential statements)?
- How to define the role States and CSOs play in Human Rights Council law- making?
- Concrete examples:
  - Is UPR relevant for the work of the Fact-finding, Inquiry Commissions (example Commission on South Sudan)?
  - How does the work of the FFM and COIs rely on the work of Special Rapporteurs and other HRC experts?
  - What recommendations would you have to increase connectivity?

## **II. LAW-MAKING BY UN TREATY-BASED BODIES**

- How do the treaty bodies engage with the work of other parts of the UN system (i.e. the work of Special Rapporteurs, working groups, commissions of inquiry, UPR)? With UNGA and UNSC actions?
- How much knowledge and awareness is there within the treaty body system regarding the jurisprudence and work of the other treaty bodies?

- What is the relationship between the work of the treaty bodies and the regional human rights systems?
- How could connectivity in relation to all of these mechanisms be improved?
- General Comments: how they can be (or cannot be) complementary to the Human Rights Council's outcomes?
- How do General Comments influence state behavior, in the implementation of law?
- In addition, overall ratifications have increased. But is it enough to conclude that there is a strong "hard" human rights law?

### III. REGIONAL HUMAN RIGHTS BODIES –RELATED QUESTIONS

- How can the connections between the "universal" and "regional" human rights bodies be strengthened?
- Why do such connections appear so insubstantial today given the similarity of objectives and handicaps facing the different bodies?
- Are there particular reasons for this that can be articulated to inform us of the way to improvement? Should we be content with a "separate but equal" approach?
- How can a common approach to interpretation of rights and freedoms be ensured and is it at all possible to ensure that similar interpretations are given to the same binding right?
- To this end how can we ensure that human rights "bodies" take into account each other's case law?
- In terms of the multiplicity of human rights norms and mechanisms is it possible to talk about the "duplication" of the work of universal and regional human rights mechanisms? If yes, what could be the ways of minimizing this duplication?
- Could we talk about "complementarity" of universal and regional human rights mechanisms? If yes, how to ensure their complementarity?

## SHORT INTRODUCTION

- **Marco Sassòli**, Director, Geneva Academy
- **Kamelia Kemileva**, Special Projects Manager, Geneva Academy

## SPEAKERS

- **Elayne Whyte Gomez**, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Costa Rica
- **Andrew Clapham**, Professor of International Law at the Graduate Institute of International and Development Studies, Geneva
- **Michael O'Boyle**, Former Deputy Register, European Court for Human Rights
- **Aleksandra Koneva**, Professor, International Public Law, Human Rights, RUDN University, Moscow

## MODERATION AND SUBSTANTIVE REMARKS

- **Sarah Cleveland**, Professor for Human and Constitutional Rights and faculty director of the Human Rights Institute at Columbia Law School

## PARTNERS

[The Norwegian Centre for Human Rights,](#)

[The Paris Human Rights Center](#)