

Information Note

Submission to the Meeting of the Treaty Bodies Chairpersons

Academic Platform on Treaty Body Review 2020

26-30 June 2017, New York City

“In 2020, the General Assembly will review its 2014 resolution on strengthening the treaty body system. To prepare for that review, the Geneva Academy of International Humanitarian Law and Human Rights has launched an academic research project to look at options for reform and long-term sustainability of the treaty body system. The academic process is open to all relevant stakeholders, and I encourage all the academics in this audience to become involved. This is a key opportunity to help define the future of the Covenants and the treaty body system.”

Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights

This Document

With this document, submitted to the 2017 meeting of Treaty Body Chairpersons, the Geneva Academy would like to update the Chairpersons and Treaty Body Members of the developments in the Academic Platform on Treaty Body Review 2020.

We would also like to use this opportunity to thank those TB Members who have sent replies to the questionnaire circulated earlier this year, providing valuable insights from within the system on the priorities and main concerns in the view of individual TB Members on issues relating to this review. We would like to point out that we are extending the deadline for replies until end of September 2017, so as to allow for additional submissions by interested TB Members, who had not yet found the time to reply.

The Project

The Academic Platform on Treaty Body Review 2020 is a global research project led by the Geneva Academy which aims to provide scientific input to the 2020 Review, bringing together proposals for reform from academic researchers specialized on UN Human Rights Treaty Bodies from around the world. The aim is to channel such inputs into a report that will be put forward in parallel with the Report of the SG in 2018.

The Platform is intended to be one component of the multi-stakeholder involvement which the Treaty Body Strengthening process initiated. With the two accountability mechanisms established by Res. 68/268 (the biannual UN Secretary General reports and the 2020 review by the General Assembly) setting the timeline of the Platform, the Geneva Academy has set out to start a worldwide academic process to reflect on the future of the treaty body system.¹ Reacting to the call by the Foreign Minister of Costa Rica at the 2015 Chairpersons meeting ‘upon academia to provide sober reflection, new approaches and innovative inputs to the review.’² In November 2015, Costa Rica and Switzerland co-hosted a Briefing for States in Geneva on the outcome of the 27th meeting of Treaty Body Chairpersons, in the context of the implementation of General Assembly resolution 68/268 on treaty body strengthening. At the briefing, Costa Rica and Switzerland called for an academic process to develop innovative ideas and solutions for the treaty body system that could feed into the intergovernmental process for the 2020 review.

¹ OHCHR, Report of the Chairs of the human rights treaty bodies on their twenty-seventh meeting, UN Doc A/70/30, page 59, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A/70/302&Lang=en

² Ibid, page 59.

The Platform aims to provide the largest possible pool of legally sound and realistic proposals on the development of the TB system which will ultimately improve human rights implementation on the ground. It is a new and unique form of participation within the Treaty Body Strengthening process due to its very nature, 'using applied research and academic rigour' to look at future options for the long-term sustainability of the treaty body system as stipulated in resolution 68/268.³ In fact, initiatives related to the Strengthening process have so far included Treaty Body members, States and NGOs, without a separate and coordinated academic track ever been set up. An academic component can be extremely useful towards identification of feasible reform proposals, especially when considering the current surge in novel evaluation methodologies on Treaty Body impact and implementation. As such, the Academy project synthesizes this knowledge and reflects it against the backdrop of current political developments.

The Process

Academic institutions have been identified in each region to organize a regional consultation for academic researchers involved in Treaty Body – related investigation. Each of the regional events is expected to generate suggestions for reform of the treaty body system, through plenary discussions based on submissions (research, analysis and development of substantive papers) requested to each participant prior the consultation. The regional consultations are guided by a common list of suggested research questions prepared by the Geneva Academy which is complemented by specific regional components. A summary of every regional workshop is prepared and made publicly available (see links below).

The following Regional Consultations have already been held:

- **WESTERN EUROPE:** Dublin, Ireland (7 – 8 July 2016) in partnership with University College Dublin;⁴
- **EASTERN EUROPE:** Moscow, Russia (18 – 19 November 2016) in partnership with Institute of Legislation and Comparative Law under the Government of the Russian Federation;⁵
- **CENTRAL AND SOUTH AMERICA AND THE SPANISH SPEAKING CARRIBEAN:** San José, Costa Rica (19 – 20 November 2016) in partnership with the Inter-American Institute for Human Rights, the Faculty of Law of the University of Costa Rica, the Human Rights Institute of the National University of La Plata, the Inter-American Social Responsibility and Human Rights Institute and Columbia University;⁶
- **NORTHERN AMERICA AND ENGLISH SPEAKING CARIBBEAN:** New York, USA (1 – 2 June 2017) in partnership with Columbia University.

³ Ibid, page 1

⁴ Available at <https://www.geneva-academy.ch/joomlatools-files/docman-files/Research%20documents/Final%20Draft%20Summary%20Report%20Dublin%2030%20September%202016.pdf>

⁵ Available at <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academic%20Platform%20on%20the%202020%20Review%20of%20the%20Treaty%20Body%20System.pdf>

⁶ Available at https://www.geneva-academy.ch/joomlatools-files/docman-files/Report_Regional%20Consultation%20for%20Latin%20America.pdf

The following Regional Consultations will be taking place throughout 2017:

- **AFRICA:** Nairobi, Kenya (20 – 21 July 2017) in partnership with Strathmore University Law School and the Universities of Nairobi and Pretoria;
- **MIDDLE EAST:** Amman, Jordan (21-22 August 2017) in partnership with Columbia University;
- **ASIA:** New Delhi, India (October 2017).

In addition to the principal strand of Academic Platform initiatives described above, the Geneva Academy has also been involved in the organization of thematic workshops in cooperation with the OHCHR, TB members and relevant stakeholders. The purpose for such workshops is to delve in more detail at specific procedural matters of the Treaty Body apparatus.

The Content (so far)

With three Regional Consultations and a number of thematic conferences still on the roadmap, the Platform is currently strong of *forty* individual submissions developed by our academic partners from Europe and the Americas (as well as *three* Regional Consultation reports). Each submission deals with a specific facet of the Treaty Body machinery and offers related proposals for reform aimed at systematic harmonization from different perspectives. However a tentative rationalization of reform proposals may already be offered:

1. Cooperation /Connectivity among Treaty Bodies

- a. Uniformity of procedural rules throughout the system
- b. Increase possibility of horizontal ties TB - TB
- c. Increase visibility of the TB system
- d. Joint (inter-Committee) Follow-Up mechanism
- e. Reporting and Dialogue
 - i. Streamlining of the Simplified Reporting Procedure (adoption of “priority issues” per Treaty Body)
 - ii. Introduction of a (limited) comprehensive reporting calendar
 - iii. Introduction of a “Single Consolidated Report”
 - iv. Introduction of a “Certification of State Implementation”
 - v. Expansion of the “Chambers approach”
- f. Individual Complaints
 - i. Unified case-handling system
 - ii. Introduction of a precedence/strategic effect on individual complaints management
 - iii. Streamline Treaty Body jurisprudence
 - iv. Establishment of a separate, Complaints-specific Chamber
- g. Inquiries: Harmonization and cooperation to enhance predictability and transparency for states and effective remedy to victims
- h. Membership: strengthening of member’s legal background, increase the transparency of nomination and election processes and new proposal on term limits

2. Complementarity with other international human rights mechanisms

- a. New balancing act between the States' component and the independent experts component
 - i. Follow-up engagement through Assembly of Parties
 - ii. Follow-up engagement through Human Rights Council
 - iii. Follow-up engagement through UPR
- b. Coordination efforts with Special Procedures mandate holders (e.g. on country visits)
- c. Enhanced engagement with OHCHR field offices
- d. Enhanced engagement with regional mechanisms (e.g. coordinated activities and the exchange of personnel)
- e. Access to comparative jurisprudence

3. Coordination at domestic level

- a. Link between Treaty Body recommendations and National Plans of Action
 - i. Streamlined Engagement with Parliaments
 - ii. Streamlined engagement with National Mechanisms for Reporting and Follow-Up (NMRFs)
- b. Link between Treaty Body recommendations and NHRI strategy plans
- c. Access for and engagement with civil society
- d. Link between Treaty Body recommendations and NGO strategy plans
- e. Technical support to domestic procedures