

THE PRACTICE OF THE UN HUMAN RIGHTS TREATY BODIES: BEYOND INTERNATIONAL LAW?

21 OCTOBER 2023, 12:00 – 13:15 (EST),
FORDHAM UNIVERSITY SCHOOL OF LAW, 150 WEST 62ND STREET,
NEW YORK, NY 10023

This panel, organized at the International Law week-end of the Annual Meeting of the American Branch of the International Law Association (ABILA) forms part of the 2023 Annual Conference of the Geneva Human Rights Platform that takes place in New York. It is co-organized with the Norwegian Centre for Human Rights and the Albanian branch of the International Law Association.



The nine United Nations (UN) human rights treaty bodies (TBs) have three main methods of work, namely the state reporting process, handling individual communications, and developing and publishing their interpretation of provisions under the respective human rights treaties in the form of ‘general comments’ (GCs) or ‘general recommendations’ (GRs). Although two different terms are used, through GCs and GRs, TBs generally interpret and develop relevant treaty provisions, thereby providing authoritative guidance to state parties on the scope of legal obligations and relevant measures necessary to ensure full compliance. So far, they have issued about 180 GCs, which is a considerable number.

As part of the state reporting process, UN TBs issue concluding observations, which are meant to prompt state parties to address various shortcomings. The decisions adopted by TBs after assessing individual communications address various violations of human rights.

Many states have repeatedly questioned the legal nature of these documents, which constitute TBs’ main practice. This raises questions concerning the place of such practice within international human rights law. Are the TBs engaged in a dialogue with state parties in an effort to make them change their domestic laws and practices or are they under international law requesting state parties to change them with some binding force?

The panel will critically discuss the practice of TBs with a main focus on GCs and GRs in the context of international human rights law. It will address the main controversies around this practice (substantively and procedurally) and discuss whether the process of their adoption and the end-product can be seen as ‘beyond international law’ or as part and parcel of the process of development of international human rights law.

Additionally, the panel will try to provide some main highlights as to where the practice of TBs is reflected in the practice of international law.

MODERATOR

Felix Kirchmeier

Executive Director, Geneva Human Rights Platform, Geneva Academy of International Law and Human Rights

SPEAKERS

Gentian Zyberi

Professor of International Law and Human Rights, Norwegian Center for Human Rights, University of Oslo; Former Member, UN Human Rights Committee : The Practice of the UN TBs

Virginia Bras Gomes

Former Chairperson of the UN Committee on Economic, Social and Cultural Rights: The Practice of the Committee on Economic, Social and Cultural Rights

Mikiko Otani

Member and former Chairperson of the UN Committee on the Rights of the Child: The Practice of the Committee on the Rights of the Child

Arnold Pronto, Principal Legal Officer, Codification Division, UN Office of Legal Affairs: The Reflection of the Practice of TBs in the Work of the International Law Commission

REGISTRATION

<https://www.ila-americanbranch.org/ilw-2023-registration/>

