



IMPROVING IMPLEMENTATION AND FOLLOW UP
TREATY BODIES, SPECIAL PROCEDURES, UNIVERSAL PERIODIC REVIEW

Open Society Justice Initiative, the Brookings Institution, and UPR-Watch

Centre International de Conférences Genève
17 Rue de Varembe – Room 3, CP 13, CH-1211 Geneva 20

OBJECTIVE & AGENDA

Objective: Implementation is a crucial indicator of effective human rights procedures, whether it be the implementation of the observations and ‘Views’ of treaty-based bodies, the recommendations of Special Procedures, or the outcomes of the Universal Periodic Review (UPR) process. However, there has been relatively little attention paid to the implementation rates of these three mechanisms, which together form the cornerstone of the United Nations’ human rights protection system. This problem has been compounded by a lack of authoritative evidence concerning the impact of these mechanisms at the country level and the efficacy of their follow-up procedures. Moreover, while there have been considerable efforts to improve the working methods of the treaty bodies, Special Procedures, and UPR process at a unit level, comparatively little attention has been paid to developing a framework for cooperative follow-up procedures among these mechanisms. At a time of renewed interest in treaty body strengthening, discussions on the five-year review of the Human Rights Council, as well as the upcoming second cycle of the UPR, this conference offers an important opportunity to focus on these common challenges.

The first day of this conference will assess the state of implementation associated with each of these three mechanisms; identify ‘good practices’ and roadblocks to effective implementation at the national level; and address prospects for improved follow-up mechanisms within each system. Positive examples of implementation at the national level will also be highlighted. On the second day, participants will discuss ways in which implementation can be improved by developing a framework for cooperative follow-up procedures among the treaty bodies, Special Procedures, and the UPR process. It will also look at how other parts of the UN system can be involved in facilitating implementation of recommendations.

DAY ONE

08:00-09:00 Registration

09:00-09:30 Opening Session

- Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights
- Open Society Justice Initiative, The Brookings Institution, and UPR-Watch

09:30-11:00 Implementation & Follow-Up of Concluding Observations & Views: The UN Treaty Bodies in Critical Perspective

This panel will assess how the concluding observations of UN treaty bodies have been implemented by states through the reporting process. Furthermore, drawing on a recent report of the Open Society Justice Initiative, the panel will assess the implementation of treaty body decisions rendered through the individual communications procedure. Panelists will discuss the mechanics of follow-up and how well OHCHR's Treaties Division tracks implementation data; effectiveness of the Special Rapporteurs for Follow-up on Concluding Observations and for Views; roadblocks to implementation; and recommendations for improvement.

Panelists

- James Goldston, Founding Executive Director, Open Society Justice Initiative
- Michael O'Flaherty, Member of the UN Human Rights Committee and Professor of Applied Human Rights, University of Nottingham
- Dubravka Simonovic, Member of the UN Committee on the Elimination of Discrimination Against Women and Special Rapporteur for the Follow-Up of Concluding Observations
- Rachel Murray, Professor of International Human Rights Law and Director, Human Rights Implementation Centre, University of Bristol
- **CHAIR: James Goldston**

11:00-12:30 Implementation & Follow-Up of Recommendations: Assessing State Responses to the UN Special Procedures

Based on the Brookings Institution's research, this panel will examine state responses to mandate holders' communications and country visits, and make recommendations about the effectiveness of the Special Procedures as a mechanism for influencing state behavior. Topics will include questions of measurement (what criteria best captures levels of state responsiveness?); implementation rates and factors affecting implementation; obstacles to the performance of mandate holders' duties (lack of political will, experience and resources); and ways to improve follow-up, particularly as new mandate holders are assigned.

Panelists

- Ted Piccone, Senior Fellow and Deputy Director for Foreign Policy, The Brookings Institution
- N'jat M'jid Maalla, Special Rapporteur on Sale of Children
- Miloon Kothari, Former UN Special Rapporteur on Housing
- Ambassador Juan Jose Gomez Camacho, Permanent Representative of Mexico to Geneva
- **CHAIR: Ted Piccone**

12:30-13:30 LUNCH

13:30-15:00 Implementation of Outcomes: Universal Periodic Review and the Follow-Up Review Process

Drawing on the research and expertise of UPR-Watch, this panel will examine the UPR process and discuss levels of implementation with UPR outcomes, both voluntary pledges made by those states under review as well as recommendations of other states. Panelists will discuss achievements/criticisms of the UPR process thus far; the UPR as a system (its functioning and durability); recommendations arising from the UPR (critical typology and implementation-related challenges); and procedures for follow-up.

Panelists

- Said Hammamoun, Senior Legal Advisor, UPR-Watch
- His Excellency Mr. Omar Hilale, Permanent Representative of Morocco to the UN Office in Geneva
- Michel Forst, Secretary General, Commission Nationale Consultative des Droits de l'Homme and UN Independent Expert on Haiti
- Rachel Brett, Representative for Human Rights and Refugees, Quaker UN office in Geneva
- **CHAIR: Said Hammamoun**

15:00-15:30 Tea/Coffee Break

15:30-17:00 The Role of States: Positive Examples of Implementation at the National Level

This session will highlight examples of relatively successful implementation, both case-specific (in implementing Views and SP recommendations) and institutional (in establishing mechanisms or focal points within and outside government that have proven effective in ensuring adequate attention to implementation of all three kinds of UN mechanisms under discussion).

Panelists

- Ambassador Alicia Arango, Permanent Representative of Colombia to Human Rights Council
- Murray Hunt, Legal Adviser, Joint Parliamentary Committee on Human Rights, UK
- Olawale Fapohunda, Managing Partner, Legal Resource Consortium of Nigeria

- Katharina Rose, Geneva Representative, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
- **CHAIR: Ted Piccone**

DAY TWO

09:00-10:30 Enhancing Cooperation Among UN Treaty Bodies, Special Procedures and UPR

This session will examine possible mechanisms of cooperation between the UPR, treaty bodies, and Special Procedures, in order to improve implementation. Topics for discussion may include:

- Developing complementary follow-up procedures (*e.g.*, facilitating provision of data on implementation of treaty body decisions to relevant Special Procedure mandate holders; incorporating implementation of treaty body 'Views' as a UPR review criterion; reference to Special Procedure and UPR recommendations during treaty bodies' state reporting procedure)
- Improving information-sharing between/among mechanisms and throughout the UN system
- Enhancing joint activities between mechanisms (*e.g.*, increasing treaty body and independent expert involvement in UPR process to ensure that UPR recommendations are in concert with treaty body law)
- Assessing Special Procedures (especially Working Groups) as a complementary or alternative forum, where appropriate, to treaty-based mechanisms

Panelists

- Bacre Waly Ndiaye, Director, Human Rights Council and Special Procedures Division, OHCHR
- Tania Baldwin-Pask, Adviser, Amnesty International
- Michael O'Flaherty, UN Human Rights Committee and Professor of Applied Human Rights, University of Nottingham
- Vitit Muntarbhorn, Former Special Rapporteur on Situation of Human Rights in Democratic People's Republic of Korea
- **CHAIR: Christian M. De Vos**

10:30-12:00 Recommendations for Strengthening Implementation of Human Rights System

Presenters will set forth principal points raised in the conference and recommendations moving forward for all key UN actors. Major themes will be:

- Measures to develop effective follow-up mechanisms/frameworks within the treaty bodies, Special Procedures, and UPR;
- Complementarity between/among each mechanism as a basis to strengthen follow-up monitoring and improve implementation overall;
- Role of other UN actors in New York, in Geneva, and in the field;

- How the Human Rights Council can be effectively used to strengthen Special Procedures and UPR process
- Role of civil society and National Human Rights Institutions

Panelists

- Bertrand Ramcharan, Professor of International Human Rights Law, Geneva Graduate Institute of International Studies and Former Acting High Commissioner for Human Rights
- Anders Kompass, Senior Director, Field Operations and Technical Cooperation Division, OHCHR
- Walter Kalin, Former Special Rapporteur on the Human Rights of Internally Displaced Persons
- **CHAIR: Tania Baldwin Pask**

12:00-12:30 Final Comments

- His Excellency Mr. Sihasak Phuangketkeow, President of the Human Rights Council