



The Universal Periodic Review Process and the Treaty Bodies: Constructive Cooperation or Deepening Divisions?

Recommendations arising from the seminar held on 25 November 2011, Maastricht, The Netherlands.

On 25 November 2011, the Maastricht Centre for Human Rights¹ organized a seminar which aimed to assess the experiences and results of the UPR's first cycle in relation to the work of the Treaty Bodies. During the afternoon, various suggestions were made by panelists and participants in the context of the Treaty Body strengthening process.

The seminar, which was characterized by an open and frank debate, brought together (former) UN Treaty Body members, OHCHR staff, academics, government officials, representatives from National Human Rights Institutes and civil society organisations, and Master students in International Law. For a further description of the seminar, the agenda and a list of participants see the annex. A summary report of the seminar is also available on the website of the [Maastricht Centre for Human Rights](#).

The following proposals were put forward and/or endorsed by one or more panelists and participants acting in their personal capacities. No attempt was made to reach a consensus.

- One TB cycle should concentrate merely on **three or four issues** per reporting cycle instead of the entire treaty. This would improve the quality and detail of input by States. It would also allow for a more in-depth analysis of the report by Treaty Bodies which could result in more focused and SMARTly formulated recommendations, facilitating their implementation at the State level and their usability in other contexts, such as UPR. Focused reporting would also alleviate the problem of limited capacity, time and resources on the part of Treaty Bodies, the Secretariat of the OHCHR and States Parties.
- A '**master calendar**' should be introduced which would schedule the consideration of state reports four years in advance in order to guarantee periodicity. The several reporting cycles could in this way also be better synchronised between each other and the UPR process.
- With a view to ensuring consistently coherent Treaty Body output and avoiding 'reporting fatigue', Treaty Bodies should explore the possibility for State reports relating to several different, but substantively related, treaties to be **submitted and considered simultaneously**, or in very close proximity.

¹ The Maastricht Centre for Human Rights is located in Maastricht, the Netherlands at the Faculty of Law of Maastricht University. The Centre was formally established in 1993 by Professors Theo van Boven and Cees Flinterman. Research conducted within the centre takes a normative approach, reflecting an integrated view of economic, social and cultural rights on the one hand and civil and political rights on the other, with close attention being given to gender issues. The research carried out within the centre is interdisciplinary, with a particular focus on public international law, criminal law and social sciences.

- The process of state reporting should alternate between a **desktop review** and a real life constructive dialogue. The latter should take place at least every 10-12 years.
- **Independence and expertise** of TB experts should be ensured by operating robust appointment procedures.
- The practice of List of Issues prior to reporting (**LOIPR**) should be applied by all Treaty Bodies.
- A **follow-up procedure** common to all Treaty Bodies should be introduced to facilitate implementation. This procedure should also include in-situ country visits and involve local UN offices.
- A common set of rules for handling **individual communications** should be adopted. Furthermore, one common Working Group composed of representatives of Treaty Bodies should be established for the consideration of individual communications.

ANNEX

The Universal Periodic Review Process and the Treaty Bodies: Constructive Cooperation or Deepening Divisions?

Date: November 25, 2011
Location: [Stay Okay](#), Maasboulevard 101, Maastricht, The Netherlands
Sponsors: Universiteitsfonds Limburg / SWOL - Maastricht Centre for Human Rights - Faculty of Law, Maastricht University

The Maastricht Centre for Human Rights is organizing a seminar which will take place on November 25, 2011 in Maastricht. Human rights practitioners, scholars and students are all welcome to participate in this one-day seminar concerning human rights monitoring in the Universal Periodic Review and by Treaty Bodies.

The United Nations human rights system has undergone substantial changes in the past six years. With the emergence of the UN Human Rights Council and the implementation of the Universal Periodic Review process, new intergovernmental initiatives and a peer-based supervisory mechanism have been introduced into the UN human rights system. Until the establishment of the UN Human Rights Council and the creation of the Universal Periodic Review mechanism (UPR), monitoring within the UN human rights system consisted primarily of monitoring by Treaty Bodies on the basis of periodic state reports. The first four-year cycle of the UPR will be concluded at the end of 2011. The UN High Commissioner for Human Rights has also announced a process to reform the Treaty Bodies. Therefore this is a good moment to assess the experiences and results of the UPR's first cycle and the proposed reforms to the Treaty bodies.

This seminar seeks to assess the contributions of the UPR in relation to the monitoring of state human rights obligations by Treaty Bodies. In addition, this seminar aims to evaluate the contribution of the UPR in the broader context of the functioning of international peer-based supervisory mechanisms, including the OECD, IMF, Council of Europe, ILO, EU, WTO and the African Peer Review mechanism. Experiences within the other international peer review mechanisms, in place at the international level for decades, could be instructive in an analysis of the UPR process and in proposing ways to strengthen or improve its interaction and collaboration with the Treaty Bodies.

Confirmed speakers and participants:

- **Andrew Clapham**, Professor of Public International Law at the Graduate Institute of International Studies.
 - **Thomas Conzelmann**, Associate Professor for International Relations and EU External Relations at Maastricht University.
 - **Kees Flinterman**, Honorary Professor of Human Rights at Maastricht University and the Netherlands Institute of Human Rights (SIM), and member of the UN Human Rights Committee.
 - **Marianne Lilliebjerg**, Interim Programme Director International Advocacy, Amnesty International.
 - **Robbert Moree**, Senior policy officer, International Affairs Department, Dutch Ministry of Social Affairs and Employment.
 - **John Morijn**, Senior legal adviser, Department of Constitutional Affairs and Legislation at the Dutch Ministry of the Interior and Kingdom Relations, and Assistant Professor of human rights law at Groningen University
 - **Ibrahim Salama**, Director Human Rights Treaties Division, Office of the High Commissioner for Human Rights (OHCHR)
 - **Susanna Terstal**, Deputy Head Permanent Representation of the Kingdom of the Netherlands to the United Nations, Geneva
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PROGRAM

- 9:30-9:55 Check in at Stay Okay Hostel, Maasboulevard 101, Maastricht, The Netherlands
- 10:00-10:15 Welcome and Introduction of Speaker – **Tamara Lewis**, J.D./LL.M., Ph.D.
researcher Maastricht University Faculty of Law
- 10:15-10:45 Morning Keynote Address - **Andrew Clapham**
Topic: The UPR: How a Peer Review Mechanism Changes Accountability for Human Rights
- 10:45 -11:00 Response to Keynote Address - **Marianne Lilliebjerg**
- 11:00-11:15 *Break*
- 11.15 -12:30 Morning Panel Discussion

Theme: How should the UPR strengthen the functioning and effectiveness of the Treaty Bodies?

Panel facilitator: **Theo van Boven**, Professor Emeritus Maastricht Faculty of Law
Panel participants: **Marianne Lilliebjerg** and **Thomas Conzelmann**
- 12:30-1:45 *Lunch*
- 1:45:2:00 Welcome and Introduction of Speaker – **Jasper Krommendijk**, LL.M., Ph.D.
researcher, Maastricht University Faculty of Law
- 2:00-2:30 Afternoon Keynote Address – **Ibrahim Salama**
Topic: How can the work of the Treaty Bodies be redefined in the light of the UPR?
- 2:30-2:45 Response to keynote speech - **Kees Flinterman**
- 2:45-3:15 *Break*
- 3:15-4:45 Afternoon Debate

Themes:
 - Ways the Treaty Bodies can strengthen the functioning of the UPR
 - Reforming the Treaty Bodies in the light of UPR
 - Ways for the UPR and the Treaty Bodies to cooperate in the future
Panel facilitators: **Tamara Lewis** and **Jasper Krommendijk**
Panel participants: **Ibrahim Salama**, **Kees Flinterman**, **Susanna Terstal**, **John Morijn**, **Robbert Moree**
- 4:45-5:00 Closing Remarks – **Menno Kamminga**, Professor of International Law, Maastricht University Faculty of Law; Director of the Maastricht Centre for Human Rights

LIST OF PARTICIPANTS

With the exclusion of approx. 60 MA students International Law.

First name	Surname	Organisation/department
Gustavo	Arosemena	Maastricht University
Karin	Arts	Institute of Social Studies of Erasmus University Rotterdam
Jonathan	Burnham	Coordinator Observatoire mondial des droits de l'homme - UPR Watch
Andrew	Clapham	Graduate Institute of International Studies
Thomas	Conzelmann	Maastricht University
Fons	Coomans	Maastricht University
Ghidei	Domenica	Dutch Equal Treatment Commission
Gamze	Erdem	University of Antwerp
Cees	Flinterman	Maastricht University
Fred	Grünfeld	Maastricht University
Saïd	Hammamoun	Global Observatory on Human Rights-UPR-Watch. Centre de recherche en droit public, University of Montreal
Veronique	Joosten	Human Rights Department, Belgian Ministry of Foreign Affairs
Menno	Kamminga	Maastricht University
Jose	Knippen	NJCM
Jasper	Krommendijk	Maastricht University
Tamara	Lewis	Maastricht University
Jan	Lhotsky	Masaryk University
Marianne	Lilliebjerg	Amnesty International
Wannes	Lint	United Nations University
Katrien	meuwissen	KU Leuven
Hilke	Molenaar	Amnesty International
Robbert	Moree	Dutch Ministry of Social Affairs and Employment.
John	Morijn	Dutch Ministry of the Interior and Kingdom Relations/ Groningen University
Maurice	Paulussen	Dutch Ministry of Foreign Affairs
Emilia	Richard	Grotius Centre for International Legal Studies
Rene	Rouwette	Netherlands Institute of Human Rights (SIM)
Ibrahim	Salama	Office of the High Commissioner for Human Rights (OHCHR), Geneva
Francoise	Schild	Dutch Ministry of Foreign Affairs
Adriënne	Schillemans	Erasmus Universiteit Rotterdam
Christoph	Schlegel	Action Network Human Rights - Philippines
Jantinus	Smallenbroek	Adviesraad Internationale Vraagstukken
Susanna	Terstal	Permanent Representation of the Kingdom of the Netherlands, Geneva
Theo	van Boven	Maastricht University
Wendy	van der Tol	Dutch Equal Treatment Commission
Quirien	van Straelen	Ministerie van Veiligheid en Justitie
Arne	Vandenbogaerde	University of Antwerp
Joyce	Verstappen	Dutch Ministry of the Interior and Kingdom Relation
Heinz	Wolfgang	German Institute of Human Rights