

# CONCEPT NOTE

## 2023 Annual Conference of the Geneva Human Rights Platform (GHRP) in New York

21 – 25 October 2023

# Connectivity

of the debates in New York and Geneva to strengthen the toolbox for networked multilateralism – what role for human rights in a universal, inclusive and more effective approach to peace and security?

The diversity of human rights mechanisms, instruments and fora within the UN system presents an opportunity as a complementary set of tools at stakeholders' disposal to address contemporary challenges. The multifarious international and regional mechanisms of the human rights system also offer opportunities as “laboratories of experimentation” in the development of legal and procedural best practices, opportunities for development and reinforcement of new norms, and opportunities for reinforcing the recommendations and decisions of other mechanisms.

The challenge, then, is how, out of the current human rights system, to ensure that these are networked in a larger cohesive whole, to better link them to civil society and parallel institutions, to maximize their capacity as catalysts for norm enunciation, transfer, and internalization. In sum, how do we leverage a whole that is greater than its parts? (Pointed out in the keynote address by Sarah Cleveland at the first GHRP Annual Conference, 2019.)

## I. ABOUT THE GENEVA HUMAN RIGHTS PLATFORM

The Geneva Human Rights Platform (GHRP) provides a neutral and dynamic forum of interaction in Geneva for all stakeholders in the field of human rights – experts, practitioners, diplomats and civil society – to debate topical issues and challenges related to the functioning of the Geneva-based human rights system. Relying on academic research and findings, it works to enable various actors to be better connected, break silos, and, hence, advance human rights.

## II. PRIOR ANNUAL CONFERENCES: 2019–2022

The first three annual conferences focused on the connectivity among actors in the Human Rights System at various levels: the [UN](#), [regional](#) and [national](#). The 2022 conference then focused on [Digital Connectivity](#). In each of those conferences, we brought stakeholders to Geneva.

For 2023, we will bring Geneva-based actors and discuss the links and connections of human rights topics between UN actors based in Geneva and in New York.

## III. THE 2023 ANNUAL CONFERENCE: 21–25 OCTOBER

### 1. Connectivity Geneva - New York

*Now is the time to renew the social contract between Governments and their people and within societies, so as to rebuild trust and embrace a comprehensive vision of human rights.*

*Now is the time for a stronger, more networked and inclusive multilateral system, anchored within the United Nations.*

#### **Our Common Agenda- Report of the Secretary General, 2021)**

A series of recent documents issued by the UN Secretary-General, from the Call to Action for Human Rights in 2020, to Our Common Agenda in 2021, to the development of A New Agenda for Peace highlight the importance of human rights in maintaining peace and preventing conflict. Strengthening the connectivity between the UN's human rights system and the peace and security architecture is thus a matter of utmost importance in the build-up to the Summit of the Future scheduled for September 2024.

Resolutions from the Human Rights Council (HRC) transit to the 3<sup>rd</sup> Committee of the General Assembly (GA). Special Rapporteurs report annually to both the HRC and the GA. Debates on the development of the Human Rights Treaty System take place in Geneva but are decided in New York. Considerations on Peace and Security, when blocked in the Security Council (SC), take new turns and lead to innovation in the HRC. And the human rights mechanisms in turn inform the SC as early warning instances, the proverbial “canary in the coalmine”, as pointed out again by the new High Commissioner, who just arrived back in Geneva from his last New York posting.

Those substantive considerations, coinciding with Switzerland sitting as non-permanent member in the Security Council, provide ample material for a number of panel discussions, broken up into various events with a number of partners to bring the Geneva-substance to the decision making processes and actors in New York. In such way, the GHRP will contribute to bridging the GVA-NY divide by enhancing policy coherence against what a Special Rapporteur once called the “transatlantic amnesia”.

The events will showcase and underline the many valuable contributions coming from International Geneva and their relevance for the New York debates. They will also serve to diplomats in the 3<sup>rd</sup> Committee as an update on the topics coming at them for resolutions they will negotiate this year. Furthermore, they will provide an opportunity for the GHRP's main target group, UN human rights experts, to impact on the debate and decisions in New York.

## 2. Concept

The attention span of diplomats (as of everyone else) is continuously shortening. Social media consumption and the ever-growing portfolio of substantive issues to deal with require adapting the traditional conference or “side-event” formats to the audience. Instead of one big conference of one to two days, the concept of the 2023 GHRP Annual Conference in New York is that of a series of linked but independent events in different formats, catering to partially different audiences. Individual events will be developed in cooperation with the respective partners. Expanded concept notes are available for each individual event. This overall concept note is intended to provide an overview of all planned activities.

## 3. Partnerships

Partners in New York include the Swiss Permanent Mission in New York, further member States and prominent human rights NGOs, academic institutions and foundations.

# IV. PROGRAMME

## 1. High-Level Panel Launching the Annual Conference

### **Enhancing cooperation between New York and Geneva for the protection of Children in Armed Conflict and from Other Forms of Violence**

This panel, including UN officials and diplomats, will raise attention to the importance and input by Geneva-based human rights bodies to New York, and present the program of the week. The topic of the protection of children in armed conflict or subject to other forms of violence is a key example how rights-holders can benefit from a close connections between the discussions in those major UN hubs.

The UN Convention on the Rights of the Child (CRC) and its Optional Protocols on the involvement of children in armed conflict (OPAC) and on the sale of children, child prostitution and child pornography (OPSC), substantively link UN bodies in Geneva and New York.

Concerning the protection of children in armed conflict, the Special Representative of the Secretary-General for Children and Armed Conflict (CAAC) reports annually to the Human Rights Council, as well as the General Assembly. A well-functioning, institutionalized cooperation can ensure the perfect use of all instruments and mechanisms available for the protection of children in situations of armed conflict, including those established under the Security Council CAAC agenda such as the Monitoring and Reporting Mechanism and the Security Council Working Group on CAAC.

Moreover, the active engagement of the Committee on the Rights of the Child in New York can also help to mainstream children's rights beyond the UN human rights mechanisms. Such opportunities available include the Security Council annual debate on the Protection of Civilians (PoC) and accompanying PoC week, the Commission on the Status of Women (CSW), the High-level Political Forum (HLPF) on the Sustainable Development Goals (SDG) and the Summit of the Future process.

This panel discussion will highlight a number of strategic and practical opportunities to enhance connectivity in the area of protection of children in armed conflict, from low-level pragmatic approaches to a more structured institutional cooperation.

Monday, 23 October, UN Headquarters

More information [here](#).

## 2. Informal Briefing to Members of the Security Council

**Linking Geneva-based UN human rights mechanisms and the UN Peace and Security architecture: what substantive input can the human rights system provide to NYC-centered debates?**

Within the setup of this particular GHRP Annual Conference in New York, speakers joining this briefing will discuss institutional as well as substantive inroads for the human rights mechanisms to contribute and add value to the UN's peace and security architecture.

Among the Guiding Principles of the *2020 Call to Action for Human Rights* are the following commitments: "Within the United Nations, human rights must be fully considered in all decision-making, operations and institutional commitments." And "[o]ur overall intention is to strengthen UN leadership in advancing the cause of human rights, to make the human rights system responsive and innovative in confronting human rights challenges, and to enhance synergies between human rights and all pillars of the work of the United Nations."

The text goes on that "[i]t is important to underline that human rights are the responsibility of each and every United Nations actor and that a culture of human rights must permeate everything we do, in the field, at regional level and at Headquarters." Section (2) addressing "rights in times of crisis" finally spells out the role of human rights in conflict prevention and makes allusion to the role the different parts of the UN human rights system can play in this regard.

This call is further affirmed in the recent position articulated in *Our Common Agenda Policy Brief 9 - A New Agenda for Peace of July 2023*. Here the Secretary-General strongly states that "[i]n line with my call to action for human rights, ensure that human rights in their entirety – economic, social and cultural rights as well as civil and political rights – are at the heart of national prevention strategies, as human rights are critical to guarantee conditions of inclusion and protect against marginalization and discrimination, thus preventing grievances before they arise."

The knowledge, recommendation and analysis derived from the work of the Universal Periodic Review, Special Procedures Mechanisms.<sup>1</sup> Investigative Bodies and Treaty Bodies<sup>2</sup> contributes to identifying root causes of political instability, civils strife and social unrest and the drivers of crisis at a time when it may still be possible to prevent them. The recommendations from human rights mechanisms provide usable and relevant responses to mitigate risks and prevent relapse to conflict and provide a platform for dialogue and collaboration across national, regional and global stakeholders at the international and national levels that are complementary and mutually-reinforcing. Over time, human rights entities have engaged with and contributed to the peace and security architecture in multiple ways. It is clear that multiple stakeholders would benefit from additional opportunities to engage with this deep reservoir of expertise within the UN system.

Experience has demonstrated that prolonged non-compliance with the obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and insufficient attention to particular dimensions of accessibility, availability, acceptability or quality regarding goods and services for the realization of economic, social and cultural rights have often been at the heart of unrest and conflict. It is critical to discuss the relevance of economic, social and cultural rights as vital to sustainable peace, whether we define peace in its restricted traditional meaning of a period of freedom from public disturbance or conflict, or as a more holistic concept characterized by social justice, respect for law, good will, inclusion and reconciliation of interests of different groups, along the lines of an overarching social contract. Particular attention needs to be given to under-currents of tension and hostility that grow due to exclusion patterns that place women and traditionally discriminated groups even worse off.

The Committee on Economic, Social and Cultural Rights has expressed concern<sup>3</sup> on the severe and long-term impact of armed conflict on the enjoyment of economic, social, and cultural rights by individuals within the state, in particular women, children, persons with disabilities and older persons and assessed efforts made by the state to mitigate the impact, including the provision of humanitarian aid, protection of vulnerable populations, and allocation of resources for reconstruction efforts. It has also reminded these States of their obligations under international humanitarian law, human rights law, and other relevant treaties in the context of the armed conflict. Specific issues were raised on general lack of security in specific regions of the State where non-

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1 Special Rapporteurs are already invited in various ad-hoc formats to brief the Security Council or give otherwise input into the peace and security debate. (see OHCHR Thematic Paper: The Contribution of Human Rights to Peacebuilding and Sustaining Peace p.8). Between OHCHR and a number of mandates, a comprehensive mapping of entry points for SR to the Peace and Security architecture is currently being established, and will be presented at this event.

2 Treaty Bodies are reviewing State parties performances and compliance with International Human Rights Treaties. Their expert output can guide not only the State under Review, but the whole international community. Discussing human rights challenges can also provide insight to growing security challenges. And difficult political issues that are stuck in intergovernmental debates can progress in this expert setting. Chairs of Treaty Bodies have also engaged at various occasions in New York beyond their regular reporting to the GA, but the above-cited OHCHR paper finds that “The potential for treaty bodies to consider the linkages of human rights with peacebuilding and prevention in the review of State reports and in the formulation of General Comments or Recommendations could be further developed.”

<sup>3</sup> States parties recently addressed were e.g. Yemen (COBs on the third periodic report / 2023); Democratic Republic of the Congo (COBs on the sixth periodic report /2022); Cameroon (COBs on the fourth periodic report of Cameroon /2019); Mali (COBs on the initial report of Mali /2018).

State armed groups have carried out terrorist attacks, the destruction of facilities essential for the enjoyment of economic, social and cultural rights, the protection and safe return of internally displaced persons and gender-based violence, among others.

Special Procedure Mechanisms and Experts bring independent and global expertise to the peace and security arena, grounded in deep country experience and engagement and harnessing long-standing and sustained relationships with civil society. The mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism established in 2005 (2005/80) and has, since its inception, been firmly engaged in the New York security architecture including in the Counter-Terrorism Implementation Task Force (CITTF) and now as an entity member of the Global Counter-Terrorism Coordination Compact.<sup>4</sup> In this role, the Special Rapporteur works closely with all UN entities engaged in counter-terrorism (CTC, UNOCT, UNCTED) and provides a singular point of knowledge and expertise on the obligation to protect and respect human rights while countering terrorism. Technical advice is offered to Member States through briefings, expert position papers, country and technical visits and annual reporting to the General Assembly.<sup>5</sup> The Special Rapporteur provides a direct access point to human rights on a range of security and human rights issues that range from preventing and countering violent extremism, new technologies, counter-terrorism and human rights, national legislation on terrorism, financing of terrorism, women's rights and children's rights in counter-terrorism contexts and the application of sanctions measures. The ongoing need to resource and sustain human rights in the counter-terrorism arena has been recognized by the 8<sup>th</sup> Review of the Global Counter-Terrorism Strategy.<sup>6</sup>

Engagement with and effective implementation of the recommendations of the human rights mechanisms should be approached holistically and in a coherent manner—through national mechanisms for implementation, reporting and follow-up for instance. The “all mechanisms approach”, taking into account and coordinating between all UN human rights mechanisms, Treaty Bodies, Special Rapporteurs and the Universal Periodic Review, adds a new dimension to potential engagement and connectivity and enables Security Council access to a critical source of relevant information to peace and security decision-making.

Could we envisage an institutionalization of security-relevant information exchange between the TBs, SRs, UPR and New York based actors in peace and security? This informal briefing explores the value added of regular and institutionalized access to such information for NYC based actors, the value it brings to Member State work and the leveraging of strengths and information across the UN system.

Monday 23 October.

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<sup>4</sup> <https://www.un.org/counterterrorism/global-ct-compact>

<sup>5</sup> <https://www.ohchr.org/en/special-procedures/sr-terrorism>

<sup>6</sup> <https://www.un.org/counterterrorism/un-global-counter-terrorism-strategy>

### 3. Panel in Cooperation with the Co-Chairs of Human Rights Caucus

#### UN Accountability Mechanisms, including Independent Investigative Mechanisms and Commissions of Inquiry mandated by the UNGA and the UN HRC

##### **BACKGROUND**

Around the world, fighting impunity and ensuring accountability for violations of international human rights and humanitarian law, particularly those that might amount to crimes under international law, remains a significant challenge. While the international legal framework has been well established and refined over decades, and robust national laws now exist to address impunity in many jurisdictions, important enforcement gaps remain, particularly at the international level.

The establishment of ad hoc criminal tribunals for the former Yugoslavia and Rwanda in the 1990s, followed by the adoption of the Rome Statute of the International Criminal Court, and other ad hoc criminal tribunals have all contributed to narrowing enforcement gaps around individual criminal responsibility. At the level of State responsibility, the UN Human Rights Council has taken action to address gross human rights violations in many country situations by establishing both long term and ad hoc investigative mandates.

However, the existing architecture remains insufficient. Many situations involving widespread or systematic international human rights and humanitarian law violations constituting crimes, occur in the territory or under the jurisdiction of States that are not parties to the Rome Statute, and where the International Criminal Court cannot exercise jurisdiction. Contemporary political dynamics within the UN Security Council have rendered unlikely the possibility of referring such situations to the Court.

One response to such accountability gaps has been the rapid increase in calls by victims' groups and other stakeholders for UN bodies, including the UN General Assembly and the UN Human Rights Council, to create new and innovative mandates whose functions go beyond human rights documentation and reporting, traditionally focused on state responsibility, to include accountability functions. It is well recognized that a comprehensive accountability strategy involves both State responsibility for human rights violations through human rights monitoring, reporting and ensuring access to justice for victims, and engaging individual responsibility of those responsible for serious crimes.

Over the years, these accountability mandates have evolved to include not only the identification of perpetrators, but also the collection, consolidation, and preservation of evidence for use in future legal proceedings, including criminal and administration proceedings, and the preparation of case files to support proceedings in competent jurisdictions—including, where appropriate, cooperating with the International Criminal Court and other international tribunals.



## CONCEPT NOTE OF THE PANEL DISCUSSION

Under the heading of “Strengthening the toolbox for networked multilateralism”, the Secretary General in his 2023 New Agenda for Peace calls for a more comprehensive and flexible use of the tools at our disposal, including expressly human rights enhancing rule of law and access to justice.

Additionally, the limited feasibility of using the UN Security Council to advance accountability has meant that State delegations have had to use other UN bodies, chiefly the Human Rights Council and the General Assembly, to address situations of widespread violations of international criminal law, including conflict situations, resulting in the creation of Independent Investigative Mechanisms, Commissions of Inquiry, and other fact-finding and accountability mechanisms (see above).

How can the outcomes of these mandates’ work be maximized? What role is there for the UN General Assembly and the Security Council in following up to their findings? And how can coherence be maintained between discussions in New York and Geneva? What will be these mechanisms’ future, which have continued to multiply? Are they serving their purpose with effectiveness and efficiencies?

And how can they be better supported moving forward? How can both the mutually complimentary functions of human rights documentations and evidence gathering for criminal proceeding best be optimized?

At the Geneva level, debate is emerging about how to best rationalize the Human Rights Council’s approach to accountability and make it more efficient, particularly in light of the ad hoc nature of the Council’s current approach. One of the more innovative solutions under discussion would be to create a “Standing Independent Investigative Mechanism,” which would also perform investigations support functions for Commissions of Inquiry and other accountability mandates when these are established by the Human Rights Council.

This new mechanism would have many potential advantages: for example, by centralizing common investigative functions and infrastructures, it would ensure better resource allocation and potentially achieve economies of scale. It would also bring value add by ensuring that accountability mandates are “fit for purpose” and apply coherent standards around the collection, analysis, and preservation of evidence, as well as standards of proof. A standing mechanism would also reduce the impact of ever shifting political influences on States’ decisions around which country situations are investigated and how, as well as cohere criteria for investigations. By supporting mandates emanating from the Human Rights Council, the new mechanism would also strengthen the impact and role of the Council as the principle UN human rights organ, and support and complement the impact of other existing mandates, such as the Special Procedures.

Tuesday 24 October, Baha’i International Center NYC.

More information [here](#).

## 4. Geneva Meets New York – Workshop for Small Delegations at the 3<sup>rd</sup> Committee

### Overview of upcoming resolutions in the 3rd Committee of the General Assembly, grounded in HRC resolutions

As the Human Rights Council is a subsidiary body of the General Assembly, its resolutions pass by the Third Committee for confirmation. A number of resolutions and discussions on reports by Special Procedures are directly set in the Third Committee.

This event aims to explore the connectivity between the Human Rights Council and the Third Committee of the General Assembly. Aimed in particular at small delegations, and drawing from the expertise the GHRP is offering via its Training Hub, the event aims at untangling the links between these two bodies by providing an overview on the functioning and challenges of the Geneva-based human rights mechanisms and their relationships to New York-based mechanisms, as well as a general overview of recent HRC resolutions and political dynamics in Geneva. The event will then zoom-in on specific HRC resolutions to showcase the role of the HRC for human rights normative development and for ensuring accountability through its mechanisms.

Tuesday 24 October, UN Church Center

More information [here](#).

## 5. Panel at the ABILA International Law Weekend on TB General Comments

### *The Practice of the UN Human Rights Treaty Bodies: Beyond International Law?*

On 19-21 October American Branch presents International Law Weekend (ILW) in New York City. This two-and-a-half-day conference features over 30 panels, and many of the world's leading international lawyers and diplomats participate. The 2023 theme ***Beyond International Law*** fits perfectly the GHRPs approach to look at the human rights system beyond its mere legal groundings and definition.

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.

Saturday 21 October, preceding the other conference panels.  
More information [here](#).