

UN HUMAN RIGHTS BODIES: IMPACT – REFORM – ADVOCACY

Dr. Inga Winkler
Lecturer in Human Rights

Fall 2018

Course Number: HRTS GU4900

Class Time: Tuesday, 12:10 to 2 pm

Classroom: IAB 402B

Instructor: Dr. Inga Winkler

Office: Interchurch Building 308C, 475 Riverside Dr

Office Hours: T 3-5 pm or by appointment

Phone: (646) 745-8524

Email: inga.winkler@columbia.edu

COURSE SYNOPSIS AND OBJECTIVES

The course is part of the program's offerings in experiential learning. Students will engage in an applied research project with an NGO partner focused on the role of UN Special Rapporteurs and the strategies they employ. Students will become familiar with the intricacies of the UN human rights system, while also taking a bird's-eye view on the system, its challenges and the need for reform. The course seeks to combine critical reflection with practical application, including through the perspectives of practitioners and guest speakers who discuss their strategies for advocacy. The course seeks to convey an understanding of the different interests and strategies at play and will bring human rights bodies to life through practical assignments and experiential learning.

We will work on a joint applied research project with our project partner, the Universal Rights Group. The project focuses on the role and influence of Special Procedures and strategies to improve their effectiveness. You will have the opportunity to engage and interact with various actors working on human rights in the UN context. You will develop a series of case studies through interviews. The case studies were determined in previous iterations of the course and you will have the opportunity to build on the work of previous groups.

The course will explore the following:

- What are the functions, responsibilities and ways of working of UN human rights bodies? How are they being established? What is the difference between treaty-based and Charter-based bodies?

- What are the advantages and disadvantages of the respective bodies? How do they complement each other, or not? How much overlap is there in the system? How can coherence be ensured?
- What are the needs for reform? And how can these be addressed?
- What are the positive impacts of the system? Are there any? Are these bodies mostly a talk shop or paper tiger? Or does their work address challenges in the realization of human rights in the real life of real people? What can be done to make bodies more accessible and more effective? What strategies and approaches can be used to make UN human rights bodies matter?
- How have advocates used these bodies? What strategies have been successful? How can the use of different bodies be combined?

The course will discuss the perspectives of States, civil society, experts working in the context of UN human rights bodies, and individuals seeking accountability for human rights violations, including through guest speakers who have experience working in this context. The instructor used to be the Legal Advisor to the UN Special Rapporteur on the Human Rights to Water and Sanitation and will bring this experience to the classroom.

This is not an introductory human rights course, but assumes some prior knowledge of international human rights law and institutions. Students will be asked to share a statement outlining their interest in the course and relevant prior knowledge and experience.

In summary, in the course, students will

- Learn to identify and analyze different UN human rights bodies, their functions and responsibilities
- Collaboratively conduct applied research on the role and influence of the Special Procedures to contribute to ongoing policy discussions
- Explore strategies of how to use these bodies for advocacy
- Identify gaps and challenges in the system and discuss possibilities for reform
- Gain skills in teamwork, presentation, dealing with experts, and conducting interviews

COURSE MATERIALS

No course book is required. The journal articles, book chapters, websites and other materials will be made available to students at the beginning of the semester. The majority of materials is available on CourseWorks. The remaining materials have been put on reserve in the Lehman Library.

Where materials are available online, the URL is provided on the reading list. Official UN documents are available (using the symbol number) in the UN's Official Document System (<http://documents.un.org>) or at www.ohchr.org.

LEARNING OUTCOMES AND EXPECTATIONS

Students are expected to participate actively in class. Think about the class in terms of a joint project rather than a regular course. We will need to work together as a team, and most of

the assignments and work products in the course will be developed through group work. Strengthening the ability to work in a team, overcoming some of the challenges it entails and learning to value each other's inputs will be an important learning outcome in itself.

At the end of the course, you should have a thorough overview of the UN human rights system, its various institutions, bodies, mechanisms and processes. You should have a good grasp of the opportunities the system presents, and the challenges it faces.

You will also gain insights into navigating the system and developing advocacy strategies for using the system to advance human rights causes. You will have the opportunity to engage and interact with various actors working in that context through guest speakers and conducting interviews with various stakeholders.

REQUIREMENTS

For part of the course, you will work in groups on joint projects together with the instructor on an applied research project. There is some flexibility built into the schedule of classes. However, once we set the dates for assignments, we will have to work according to the agreed schedule. Otherwise, one student might hold up the entire group, and we might miss external deadlines. The course therefore requires a significant commitment and professionalism.

Students will engage in a research project that focuses on the role and influence of Special Procedures in the area of economic, social and cultural rights.

Apart from anecdotal evidence, hardly anything is known about the impact of Special Procedures mandates, which is linked to the lack of meaningful follow-up to their recommendations. Research in this course is envisaged as part of a broader project in collaboration with the instructor and the Universal Rights Group, a think tank focused on human rights institutions. There is significant interest and scope for collaboration in this area of research among former mandate-holders, civil society organizations and UN member States, which will ensure policy relevance and uptake of this research.

The work to be carried out this semester builds on the work done by the previous groups of students (in Spring 2017 and Fall 2017) who conducted interviews with former Special Procedures mandate-holders. The mandate-holders provided an assessment of the contribution of their work based on a number of case studies. In Fall 2017, we sought to synthesize the findings from these case studies. We identified opportunities and success factors, but also risks, challenges and obstacles that mandate holders face in achieving long-term change and contributing to the realization of socio-economic rights. To test and discuss some of these findings, we organized an expert roundtable in November 2017.

This semester, we will build on these findings and will further develop the case studies identified in consultation with the former Special Rapporteurs. We will conduct interviews with various external stakeholders including civil society organizations and UN organizations. Over the course of the semester, there will be a number of assignments as part

of the project. You will work in groups for the project, and part of the grading will be group-based.

Research assignments:

- Conceptualize and prepare interviews – by Oct. 16
- Take-home midterm – due Oct. 23
- Draft contribution to report – by Nov. 20
- Presentation in class – December 4
- Contribution to report – December 11
- Individual reflection essay on broader challenges the human rights system faces – December 18

Grading Policy

Grading will be based on a combination of group-based grading and individual grading.

Not all assignments (in particular interview questions and drafts) will be graded, but submitting them late will result in a deduction from your final grade.

Group-based grading applies to the following assignments. The percentages indicate the proportion of the overall grade:

- Presentation in class (10 %)
- Contribution to report (25 %)

Individual-based grading applies to the following assignments. The percentages indicate the proportion of the overall grade:

- Take-home mid-term (25 %)
- Individual reflection essay (25 %)
- Active participation in the project and in class (15 %)

In addition, students will **evaluate their peers** in their groups based on a specified rubric combined with a self-assessment twice during the semester.

Writing Centers. For drafting their assignments, students are encouraged to use the Writing Centers. More information about the centers and the possibility to make appointments is available at <http://www.college.columbia.edu/core/uwp/writing-center> and <http://writing.barnard.edu/>.

Extension policy. Assignments must be completed by the due date. This project will only succeed if we all keep to the agreed timeline. We need to develop the project jointly step by step, we need to be able to rely on each other, and we need to deliver to the URG for them to be able to feed this research into policy processes. You are therefore expected to produce all work products on time.

Extensions will only be granted on an exceptional basis, such as illness or a family emergency. Extensions will not be granted for poor time management. Students who wish to request an extension should email the instructor to ask for the extension; give the reason;

and specify the additional time needed. Extensions will be decided on a case-by case basis based on supporting documentation. If there is no documented reason for an exception, students will receive a grade reduction penalty for any work submitted late.

Late submissions will reduce your assignment grade by $\frac{1}{3}$ of a letter grade per two days after the deadline (that is, from what would have been an A to an A- after 48 hours, to a B+ after 96 hours, to a B after 144 hours etc.). Final assignments at the end of the semester cannot be submitted late unless students are granted an Incomplete by their School. Policies vary somewhat by School, but in general we cannot submit an Incomplete without the permission of your dean. If you need to request an Incomplete, you should contact your advising dean.

Academic Integrity

Students are expected to do their own work on all assignments (as a group where these are group assignments) for this course and act in accordance with the guidance on Academic Integrity and Responsible Conduct of Research by the Graduate School of Arts and Sciences. Because any academic integrity violation undermines our intellectual community, students found to have cheated, plagiarized, or committed any other act of academic dishonesty can expect academic sanctions and may be referred to the Dean's Discipline process.

Students are encouraged to familiarize themselves with different forms of plagiarism and what they involve. Apart from verbatim copying, paraphrasing text in different words without acknowledging the sources also amounts to plagiarism. Students are encouraged to use the [guidance](#) by the Graduate School of Arts and Sciences, which provides more detailed information.

Students with disabilities

Students with disabilities have rights to reasonable accommodation. In order to ensure their rights, it is the responsibility of students to report any learning-related disabilities, to do so in a timely fashion, and to do so through the Office of Disability Services. Students can contact [Disability Services](#) at 212-854-2388 and disability@columbia.edu. Students who have documented conditions and are determined by DS to need individualized services will be provided a DS-certified 'Accommodation Letter'. It is students' responsibility to provide this letter to the instructors and in so doing request the stated accommodations. Students are encouraged to confirm accommodation needs with the instructor during office hours.

COURSE SCHEDULE & READINGS

The course schedule is broadly divided into two parts. During the first part of the course, we will seek to gain an overview of different UN human rights bodies, their functions, and responsibilities. We will use various activities and assignments to gain a better understanding of the way these bodies work. At the same time, we will get started on developing the research project.

The second half of the semester moves to developing greater understanding for the challenges the UN human rights system faces, identifying opportunities for reform and improving the use of the system in its current form. There is time built into the course schedule to focus on the research project.

******Readings and schedule of classes are subject to change.******

Overview

Week 1: Introduction (Sept. 4)

Week 2: The Lay of the Land with a Focus on the Human Rights Council (Sept. 11)

Week 3: Special Procedures (Sept. 18)

Week 4: Introducing the Project: Impact of Special Procedures (Sept. 25)

Week 5: UPR Process (Oct. 2)

Week 6: Treaty Bodies (Oct. 9) – Risa Kaufman, CRR

Week 7: Challenges and Opportunities in the Context of Continuous Growth (Oct. 16)

Week 8: Visit to the UN General Assembly (Oct. 23) (tbc)

Week 9: Independence and Cooperation & Follow-up to Recommendations (Oct. 30)

Week 10: No class (Nov. 6)

Week 11: Lack of Resources & Financing (Nov. 13)

Week 12: Reprisals – Gabor Rona (tbc) (Nov. 20)

Week 13: Presentation of findings (Nov. 27)

Week 14: Resolutions, Negotiations and the Role of Soft Law (Dec. 4) – Dr. Emily Calaminus

Week 1: Introduction (Sept. 4)

- Concept, objectives, requirements
- Introduction to research project: Why focus on impact? – Introduce partner for research project (Universal Rights Group) and opportunities for policy dialogues

Readings:

- Office of the United Nations High Commissioner for Human Rights: look at www.ohchr.org/english/bodies/ and explore some of the relevant links to get an overview of the UN human rights system and mandates (Please explore at least one treaty body, one Special Procedures mandate and the UPR process and be prepared to present an example in class.)
- Explore the website of the Universal Rights Group: <http://www.universal-rights.org>
- Bob Reinalda, The United Nations: an improved security organization with economic coordination (Chapter 20), in: Routledge history of international organizations: from 1815 to the present day, pp. 289-326 (Routledge, 2009)
- Kenneth Abbott and Duncan Snidal, Why States Act through Formal International Organizations, Journal of Conflict Resolution, Vol 42 No. 1 (1998), 3-32

Week 2: The Lay of the Land with a Focus on the Human Rights Council (Sept. 11)

- Treaty based-bodies and Charter-based bodies
- From the Commission on Human Rights to the Human Rights Council
- The politics and politicization of human rights at the UN
- *Exercise: Analysis of resolutions and their voting records*

Reading:

- Human Rights Council Resolution 5/1, Institution-building of the United Nations Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/1 (June 18, 2007)
- Daniel Chong, Debating Human Rights, Chapter 4: Is the United Nations Human Rights Council Effective?, 2014 (on Reserve)
- Office of the High Commissioner for Human Rights, “The Human Rights Council,” in Working with OHCHR: A Handbook for NGOs, pp 36-57, available at: <http://www.ohchr.org/Documents/Publications/NGOHandbooken.pdf>
- Rosa Freedman, Failing to Protect: The UN and the Politicisation of Human Rights (Hurst, 2014), Chapters 2, 5-7 (on Reserve)
- Universal Rights Group, Glion Human Rights Dialogue: The Human Rights Council at 10: Improving Relevance, Strengthening Impact (Versoix 2015), available at: <http://www.universal-rights.org/urg-policy-reports/glion-human-rights-dialogue-human-rights-council-10-improving-relevance-strengthening-impact/>
- Jo Becker, Campaigning for Justice: Human Rights Advocacy in Practice (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” pp 59-76.

Week 3: Special Procedures (Sept. 18)

- Roles and responsibilities
- Country visits, reports and standard setting, communications, and other initiatives

Reading:

- Joanna Naples-Mitchell, Perspectives of UN Special Rapporteurs on Their Role: Inherent Tensions and Unique Contributions to Human Rights, 15.2 INT'L J. HUM. RTS. 232 (2011).
- Marc Limon and Ted Piccone, Human Rights Special Procedures: Determinants of Influence (Universal Rights Group, 2014), available at: <http://www.universal-rights.org/urg-policy-reports/special-procedures-determinants-of-influence/>
- Jo Becker, "Working with UN Special Rapporteurs to End Abuses," Campaigning for Justice, pp 77-94.
- Interview with Raquel Rolnik, 'UN Special Procedures System is "Designed to be Ineffective"' (2014) 20 SUR – International Journal on Human Rights 81
- Columbia Law School, Human Rights Institute, Engaging U.N. Special Procedures to Advance Human Rights at Home: A Guide for U.S. Advocates, 2015, available at: https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/special_rapporteurs_report_final.pdf
- Elvira Dominguez-Redondo, History of Special Procedures: A 'Learning by Doing' Approach to Human Rights Implementation, in: Aoife Nolan, Rosa Freedman and Thérèse Murphy (eds.), The United Nations Special Procedures System, Brill, 2017, available at SSRN: <http://ssrn.com/abstract=2753847>

Further Reading:

- Bertrand G. Ramcharan, The Protection Roles of UN Human Rights Special Procedures (Martinus Nijhoff Publishers 2008).

Week 4: Introducing the Project: Impact of Special Procedures (Sept. 25)

Challenge: limited knowledge about the impact and effectiveness of the work by Special Procedures

- The quest for showing 'impact': Opportunities and risks
- How do we assess impact?
- What are different possible methodologies? What is applied research?
- What do we want to achieve in terms of influencing policies and the work of Special Procedures? How does that affect our research?
- *Forming groups, developing a skills inventory and deciding on ground rules for group work*
- *Briefing on work of the previous group of students & introducing the case studies*

Reading:

- Institute for the Study of Human Rights, Human Rights Impact: General Issues and Sectoral Perspectives, Symposium Proceedings, 2011
- International Council on Human Rights Policy, No Perfect Measure, Rethinking Evaluation and Assessment of Human Rights Work, 2012

- Christophe Golay et al., The Impact of the UN Special Procedures on the Development and Implementation of Economic, Social, and Cultural Rights, 15.2 INT'L J. HUM. RTS. 299 (2011)
- Rhonda Schlangen, Monitoring and Evaluation for Human Rights Organizations: Three Case Studies, Center for Evaluation Innovation, 2014
- Ian Gorvin, Producing the Evidence that Human Rights Advocacy Works: First Steps towards Systematized Evaluation at Human Rights Watch, Journal of Human Rights Practice Vol 1(3) 2009, pp. 477-487
- Diane Desierto, The Quandaries of Data Analysis and Methodologies in Rule of Law, Development, and Human Rights Assessments: New Challenges for UN Special Rapporteurs, available at: <https://www.ejiltalk.org/the-quandaries-of-data-analysis-and-methodologies-in-rule-of-law-development-and-human-rights-assessments-new-challenges-for-un-special-rapporteurs/>

Week 5: UPR Process (Oct. 2)

- History, earlier processes in the Commission on Human Rights, focus on State-to-State recommendations, follow-up and cycles, national processes
- *Assignment: Analysis of recommendations*
How are policy recommendations drafted? What are useful / targeted / concrete recommendations that lead to policy change?

Reading:

- Hilary Charlesworth and Emma Larking, *Introduction: The Regulatory Power of the Universal Periodic Review*, in: Hilary Charlesworth and Emma Larking (eds.), *Human Rights and the Universal Periodic Review, Rituals and Ritualism* (CUP, 2015) and other contributions in that volume for further reading
- Aoife Hegarty and Hans Fridlund, *Taking stock—the Universal Periodic Review's achievements and opportunities*, openGlobalRights, 11 August 2016, available at: <https://www.opendemocracy.net/openglobalrights/aoife-hegarty-hans-fridlund/taking-stock-universal-periodic-reviews-achievements-an>
- Center for Economic and Social Rights, *The Universal Periodic Review, A Skewed Agenda?*, 2016, available at: <http://www.cesr.org/section.php?id=240>
- Elvira Dominguez-Redondo, *The Universal Periodic Review: is there life beyond naming and shaming in human rights implementation?*, *New Zealand Law Review*, 2012 (4), 673 - 706
- Edward McMahon and Marta Ascherio, *A Step Ahead in Promoting Human Rights? The Universal Periodic Review of the UN Human Rights Council*, *Global Governance* 18.2 (Apr-Jun 2012): 231-248
- Browse website: <https://www.upr-info.org/>

Further Reading:

- Kate Gilmore, Luis Mora, Alfonso Barraganes and Ida Krogh Mikkelsen, *The Universal Periodic Review: A Platform for Dialogue, Accountability, and Change on Sexual and*

Reproductive Health and Rights, Health and Human Rights, Vol. 17, No. 2, (December 2015), pp. 167-179

- Jane K. Cowan and Julie Billaud, Between learning and schooling: the politics of human rights monitoring at the Universal Periodic Review, *Third World Quarterly* Vol. 36, Iss. 6, 2015
- Leanne Cochrane and Kathryn McNeilly, The United Kingdom, the United Nations Human Rights Council and the first cycle of the Universal Periodic Review, *The International Journal of Human Rights*, Volume 17, 2013 - Issue 1, Pages 152-177
- Lawrence Moss, "Opportunities for Nongovernmental Advocacy in the Universal Periodic Review Process at the UN Human Rights Council," *Journal of Human Rights Practice* (2010) 2 (1): 122-150

Week 6: Treaty Bodies (Oct. 9)

- Reporting procedures, Constructive dialogue with State parties, List of issues, Complaint procedures, Inquiry procedures, General Comments
- *Guest speaker: Risa Kaufman, Center for Reproductive Rights*

Reading:

- Optional Protocol to the ICCPR, available at <http://www1.umn.edu/humanrts/instree/b4ccprp1.htm>
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, UN Doc. A/HRC/RES/8/2 (2008)
- The International Service for Human Rights (ISHR), *A Simple Guide to the UN Treaty Bodies* (2015), available at: http://www.ishr.ch/sites/default/files/documents/ishr_simpleguide_eng_final_final_dec15.pdf and/or
- Office of the High Commissioner for Human Rights, *Fact Sheet on UN Treaty Bodies*, available at: www.ohchr.org/Documents/Publications/FactSheet30Rev1.pdf, pp. 19-32, 36-47
- Walter Kälin, *Examination of State Reports*, in: Helen Keller and Geir Ulfstein (eds.), *UN Human Rights Treaty Bodies: Law and Legitimacy*, 2012
- Geir Ulfstein, *Individual Complaints*, in: Helen Keller and Geir Ulfstein (eds.), *UN Human Rights Treaty Bodies: Law and Legitimacy*, 2012
- Center for Reproductive Rights, *Reproductive Injustice, Racial and Gender Discrimination in U.S. Health Care, Shadow Report to the CERD*, 2014, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_NGO_USA_17560_E.pdf

Further Reading:

- Michael O'Flaherty, *The United Nations human rights treaty bodies as diplomatic actors*, in O'Flaherty et al. (eds.), *Human rights diplomacy: contemporary perspectives*, 2011
- Felice D. Gaer, *Implementing international human rights norms: UN human rights treaty bodies and NGOs*, *Journal of Human Rights* 2003 (2/3), pp. 339-357

- Malcolm Langford, *Closing the Gap? An Introduction to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, Nordic Journal of Human Rights, Volume 27, No. 1 (2009), pp. 1-28 (and other contributions in this issue)

Week 7: Challenges and Opportunities in the Context of Continuous Growth (Oct. 16)

- Expansion of treaty body system / Inflation in creation of Special Procedures mandates / Addition of new mechanisms such as UPR
- How to ensure coherence and avoid contradiction? How to move from duplication and overlap to synergies and harmonization?
- How to focus on most significant issues? (e.g. role of the list of issues, role of civil society, work on human rights indicators)
- Past proposals for treaty body, including a Unified Standing Treaty Body. Why has so little been achieved?

Reading:

- The Geneva Academy, *Optimizing the UN Treaty Body System* (2018), available at: <https://www.geneva-academy.ch/tb-review-2020>
- Rachael Lorna Johnstone, *Streamlining the constructive dialogue: efficiency from states' perspectives*, in: M. Cherif Bassiouni, William A. Schabas (eds.), *New challenges for the UN human rights machinery: what future for the UN treaty body system and the Human Rights Council procedures?*, Intersentia, 2011 (on Reserve)
- Gabriela Kletzel, Camila Barretto Maia and Mónica Zwaig, *Strengthening of the UN treaty bodies' complaint procedures: elements for a reform agenda from an NGO perspective*, in: M. Cherif Bassiouni, William A. Schabas (eds.), *New challenges for the UN human rights machinery: what future for the UN treaty body system and the Human Rights Council procedures?*, Intersentia, 2011 (on Reserve)
- Overview of the treaty body strengthening process, including GA Resolution 68/268 (2014) and previous proposals: <http://www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx>
- National Law Center on Homelessness & Poverty, *Human Rights to Human Reality: A 10 Step Guide to Strategic Human Rights Advocacy*, available at: https://www.nlchp.org/documents/Human_Rights_to_Human_Reality

Week 8: Visit to the UN General Assembly (Oct. 23) (tbc)

Week 9: Independence and Cooperation & Follow-up to Recommendations (Oct. 30)

- Nomination and election of treaty body members & appointments of mandate-holders
- Inherent tensions: A Special Procedures as a system created by States to monitor State compliance with human rights (e.g. Code of Conduct)
- What role do other actors play (in particular civil society) and who has access to the UN human rights system? Who does not?

- Do States comply with recommendations? Do we know? What is the follow-up? Why do they comply or not?
- What are strategies to ensure follow-up to recommendations?
- What actors play a role in follow-up activities?
- *Exercise: Devise a system for follow-up to recommendations*

Reading:

- Human Rights Council Resolution 5/2, Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/2 (June 18, 2007).
- Manual of Operations of the Special Procedures of the Human Rights Council (2008), http://www2.ohchr.org/english/bodies/chr/special/docs/Manual_August_FINAL_2008.doc
- Jane Connors, Special Procedures: Independence and Impartiality, in: Aoife Nolan et al. (eds), *The United Nations Special Procedures System*, Brill, 2017
- Paulo Sergio Pinheiro, Being a Special Rapporteur: A Delicate Balancing Act, 15.2 INT'L J. HUM. RTS. 162 (2011)
- Marc Limon, Strengthening Cooperation: The Key to Unlocking the Potential of the Special Procedures, Aoife Nolan et al. (eds), *The United Nations Special Procedures System*, Brill, forthcoming 2017
- Universal Rights Group, Special procedures mandate-holders: the new intake, 9 May 2014, available at: <http://www.universal-rights.org/blog/special-procedure-mandate-holders-the-new-intake/>
- Philip Lynch and Ben Schokman, Taking human rights from the grassroots to Geneva ... and back: strengthening the relationship between UN treaty bodies and NGOs, in: M. Cherif Bassiouni, William A. Schabas (eds.), *New challenges for the UN human rights machinery: what future for the UN treaty body system and the Human Rights Council procedures?*, Intersentia, 2011 (on Reserve)

Further Reading:

- Philip Alston, 'Hobbling the Monitors: Should UN Human Rights Monitors be Accountable?' (2011) 52 *Harvard International Law Journal* 563.

Week 10: No class (Nov. 6)

Week 11: Lack of Resources (Nov. 13)

- How are the treaty body system and Special Procedures system financed? What are different sources of financing?
- How do human rights bodies operate in situations of limited resources?
- How may external financing affect the independence of mandate-holders?
- What strategies would alleviate these concerns, including increasing transparency on sources of financing?
- *Exercise: Develop guidelines for financing*

Reading:

- Winkler, Inga and de Albuquerque, Catarina, Doing It All and Doing It Well? - A Mandate's Challenges in terms of Cooperation, Fundraising and Maintaining Independence (February 4, 2016). Aoife Nolan, Rosa Freedman & Thérèse Murphy (eds.) The UN Special Procedures, Brill, 2016, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2728074>
- Markus Schmidt, Servicing and financing human rights supervision, in: Philip Alston and James Crawford (eds.), The Future of UN Human Rights Treaty Monitoring, CUP 2000 (new edition forthcoming?) (on Reserve)

Week 12: Reprisals (Nov. 20)

- How do the Special Procedures deal with reprisals? What responsibilities do they have to protect their counterparts? Can they always assume that local actors can best assess the risks of engaging the Special Procedures? How can they ensure 'do no harm'? Are there instances where a visit by a mandate does more harm than good - how do Special Procedures make that assessment? When responding to reprisals, how do mandate-holders decide whether a confidential or a public approach works best?
- *Discussion with Gabor Rona, Former member of the UN Working Group on Mercenaries and focal point on reprisals in the Special Procedures Coordinating Committee (tbc)*

Readings:

- Overview: <https://www.ohchr.org/EN/Issues/Reprisals/Pages/Reporting.aspx>
- Report by the UN Secretary General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, A/HRC/36/31, 29 March 2018
- Philip Lynch, Ending Reprisals: The Role and Responsibilities of the Special Procedures of the UN Human Rights Council, in: Aoife Nolan, Rosa Freedman & Thérèse Murphy (eds.) The UN Special Procedures, Brill, 2016

Week 13: Presentation of findings (Nov. 27)**Week 14: Resolutions, Negotiations and the Role of Soft Law (Dec. 4)**

Guest Speaker: Dr. Emily Calaminus