

## Scientific Report

*First Working Group Meeting of WG 1*  
(The UN Human Rights Monitoring Machinery)  
Vienna, 17 April 2009

The main topics discussed in this Workshop were the current status of reform of UN Charter based mechanisms (written input by Jan Wouters and Sue Basu), the current status of the reform of UN treaty based mechanisms and the proposal for a World Court of Human Rights (written input by Manfred Nowak and Julia Kozma).

Sue Basu reported on the current status of UN Charter based mechanisms and the Human Rights Council. The European Union from the off-set was a strong supporter and advocator of a new Human Rights Council. The research will explore both the international and EU levels. It will start with the developments in the Human Rights Council and then analyse how the EU has acted in the Human Rights Council. Recommendations will be proposed on how the EU can improve its position in the Council to have broader impact.

Input for a proposal for a World Court of Human Rights came from Manfred Nowak and Julia Kozma.

While the Human Rights Commission based its assessment of country situations to some extent on the report and recommendations of special rapporteurs and other experts of the Commission, the treaty monitoring bodies were left alone in supervising the implementation of their non-binding decisions on individual complaints.

The very notion of human rights implies that right-holders must have some possibility to hold duty bearers accountable for not living up to their legally binding human rights obligations. By far the most effective method to implement the right to an effective remedy on the international level is to allow direct access of the rights holders to a fully independent international human rights court with the power to render binding judgements and to grant adequate reparation to the victims. The establishment of the Human Rights Council seems to be the right moment to start seriously thinking about the creation of a World Court of Human Rights as its independent counter-part. A World Court of Human Rights would also offer the opportunity to address a number of unsolved contemporary human rights problems, such as the accountability of non-State actors. In this context also the status of the current treaty body reform was discussed. However, since this reform is put on hold currently, the issue was not enlarged upon.

The creation of the World Court can be achieved in a smooth manner without any treaty amendment and without abolishing the present treaty monitoring bodies.

Manfred Nowak and Julia Kozma developed a draft concerning a possible Statute of the World Court of Human Rights. It contains the establishment of the Court, the jurisdiction, admissibility and applicable law, the organization of the Court, the obligations of State Parties and non-State actors and final clauses in which topics such as ratification, entry into force and amendments can be dealt with.

Besides a lively discussion on the underlying ideas of the Court, including on the role the EU could play in its promotion, the authors of the draft statute could gain concrete suggestions for the improvement of the statute.

Fred Grunfeld (absent) informed by mail of his comparative genocide studies (Rwanda, Srebrenica and Darfur), which particularly focuses the failures of Third Parties to prevent genocide. The third parties, bystanders, at national and international level are at the centre of his research. He will also analyze if the Responsibility to Protect has made any significant change in

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the decision-making of the people. The other research project, which Fred Grunfeld supervises with Fons Coomans, is on the impact and effectiveness of human rights state reporting procedures at the domestic level and in particular on the case of the Netherlands.

Fred Grunfeld 15/05/09