

**THIRTY-THIRD ANNUAL COLLOQUIUM
ON "THE ROLE OF GOVERNMENT
DEPARTMENTS IN THE FORMULATION
AND IMPLEMENTATION OF HUMAN
RIGHTS CONSIDERATIONS IN FOREIGN POLICY"**

**Convened by
THE AMERICAN ASSOCIATION
FOR THE INTERNATIONAL COMMISSION OF JURISTS
UPON THE INVITATION OF THE MINISTER
FOR EUROPEAN AND INTERNATIONAL AFFAIRS
OF THE REPUBLIC OF AUSTRIA**

Federal Ministry for European and International Affairs

Vienna, AUSTRIA

26th and 27th of May, 2010

PROGRAM FOR THE THIRTY-THIRD ANNUAL COLLOQUIUM ON
“THE ROLE OF GOVERNMENT DEPARTMENTS IN THE FORMULATION AND
IMPLEMENTATION OF HUMAN RIGHTS CONSIDERATIONS IN FOREIGN POLICY”
Vienna, Austria, 26-27 May 2010

WEDNESDAY, 26 MAY 2009

9:00 Arrival of participants at The Marble Room (“Marmorsaal”) of the Austrian Federal Ministry for European and International Affairs, Minoritenplatz 8, 1014 Vienna

9:15 Welcoming remarks by the Federal Minister for European and International Affairs, Dr. Michael Spindelegger

9:30 – 12:30 I. NEW OPPORTUNITIES TO INTEGRATE HUMAN RIGHTS INTO DEVELOPMENT POLICIES AND PRACTICES

- a) What can be done to ensure that human rights considerations are adequately addressed when Member States and international agencies review the entire architecture of the Millennium Development Goals at the high-level meeting in September 2010?
- b) How can the commitment to “gender equality, respect for human rights, and environmental sustainability”¹ in the Accra Agenda for Action be translated into action in the context of the Paris Declaration on Aid Effectiveness (2 March 2005)?
- c) In light of the report of the High Level Task Force on the Implementation of the Right to Development² and UN resolutions,³ as well as the resolution of the Non-Aligned Movement at its Sharm El-Sheikh summit calling for a UN convention on the right to development,⁴ what are the most productive courses of action? What should the resolutions of the Human Rights Council and the General Assembly say?
- d) What human rights lessons have been learnt from recent efforts at post-disaster reconstruction? What are the human rights issues to be addressed in assisting Haiti to recover from the earthquake, in light of the 13th Special Session of the Human Rights Council⁵? What can be done to overcome obstacles to rebuilding in Gaza resulting from the practices of the Israeli and Egyptian governments?

12:30-14:30 Lunch at the invitation of the Minister for European and International Affairs hosted by Dr. Michael Spindelegger

14:30-17:30 II. NEW DEVELOPMENTS IN THE UNIVERSAL PERIODIC REVIEW AND OTHER URGENT MATTERS AFFECTING THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

- a) As part of the ongoing review process, what major improvements can be made in the Universal Periodic Review in anticipation of the second UPR cycle (2012-2015)? Are there any alternatives to the UPR to ensure that an objective and honest assessment of human rights performance is made of all states? What should be the form of the review process to replace the “troika” of three Council members? How can the interactive dialogue and follow up be made more robust?
- b) What should be expected from the appointment of an Assistant Secretary-General to head the OHCHR New York Office⁶? Will the ASG have too much or too little power? What new initiatives can be taken with the broad range of constituencies?

¹ Third High-level Forum on Aid Effectiveness, *Accra Agenda for Action*, 4 September 2008 para. 3.

² A/HRC/15/WG.2/TF/2 and Add.1 and Add.

³ Human Rights Council resolutions 4/4, 9/3 and 12/23, and General Assembly resolution 63/178 and 64/172.

⁴ NAM2009/FD/Doc.1, 16 July 2009, para. 421.13.

⁵ Special Session on Support to recovery process in Haiti: A Human Rights approach, held on 27 January 2010.

⁶ The new ASG will have with the responsibility to integrate human rights into key policy and management decisions, and the work of intergovernmental bodies based in New York, and to ensure that the New York Office activities are closely coordinated with OHCHR headquarters in Geneva

c) What are the prospects for the Human Rights Council Advisory Committee⁷ to function as a think-tank for the Council? Is the limitation of the scope of its advice to thematic issues and of its powers to making proposals to the Council without adopting resolutions or decisions, signs of progress or retrenchment in the human rights machinery?

d) Has the recent growth in staff and resources of the OHCHR and the restructuring of the secretariat had a noticeable impact of the effectiveness of the office? Are the special procedures and the Council being effectively serviced?

18:00-20:00 Reception by the Ambassador of the United States to Austria H.E William Carlton Eacho, III at his residence in Weidlichgasse 1-5, 1130, Vienna

THURSDAY, 27 MAY 2009

9:00 – 12:00 III. THE EVOLVING REGIONAL IMPLEMENTATION OF HUMAN RIGHTS

a) Acting under its new Charter, the Association of South East Asian Nations (ASEAN) appointed in 2009 the ASEAN Intergovernmental Commission on Human Rights (AICHR). What opportunities does this new commission open for the promotion and protection of human rights among the ASEAN members?

b) Also in 2009, The League of Arab States appointed the Arab Human Rights Committee. What opportunities does this new committee open for the promotion and protection of human rights among the Arab states?

c) Since its creation in 2005, the African Court of Human and Peoples' Rights has issued only one judgment.⁸ What can be done to ensure that this court has the resources to be an effective regional judicial body? Can the African Commission on Human and Peoples Rights continue to function in Banjul when the President of the country threatened to kill anyone collaborating with human rights defenders⁹?

d) Are the human rights bodies of the OAS and the Council of Europe meeting the challenges of the 21st Century? Specifically will the entry into force of Protocol No. 14 resolve the problems posed by the flood of applications to the European Court of Human Rights? Have the Steering Committee on Human Rights (CDDH) and the Commissioner for Human Rights been useful mechanisms which might perhaps be emulated in other regions? Should the OAS system evolve towards a single full-time court like the European system?

12:30-14:30 Lunch with featured guest speaker, Director of the EU Fundamental Right Agency, Mr. Morten Kjaerum

15:00- 17:00 IV. OPTIONS FOR DEALING WITH ALLEGED WAR CRIMES AND ACTS OF TERRORISM

a) What measures can be taken by the United States and other governments to ensure that human rights and national security are both protected in prosecuting former Guantánamo detainees and persons who may have been subjected to extraordinary rendition, where there is actionable evidence of criminal acts? Under what conditions should other countries share intelligence with prosecutors in cases of alleged terrorists?

b) Where prosecutions are not possible, for whatever reasons, what precautions must be taken to prevent future terrorism when former detainees are returned to civilian life and to protect that the rights of innocent persons who have been detained? How can cooperation among governments be improved in this regard, consistent with the policy of protecting human rights while combating terrorism?

c) In light of the likely absence of serious investigations by Hamas or the Israeli Defense Forces of alleged crimes during the military operations in Gaza in December 2008 and January 2009, what action should the Human Rights Council, the General Assembly, the Security Council and concerned states take to give effect to the recommendations of the Goldstone report¹⁰ or to those recommendations that are acceptable to nearly all states and to UN resolutions¹¹?

⁷ Created by Human Rights Council resolution 5/1, replacing the Sub-Commission on the Promotion and Protection of Human Rights.

⁸ Michelot Yogogombaye v The Republic of Senegal (Application No. 001/2008).

⁹ See http://www.africancourtcoalition.org/editorial.asp?page_id=179.

¹⁰ United Nations Fact Finding Mission on the Gaza Conflict, A/HRC/12/48, 25 September 2009 paras. 1967-1979).

¹¹ Specifically A/HRC/RES/S-12/1 and A/RES/64/10.

d) If impunity prevails with respect to alleged crimes in Gaza, or alleged torture in Gantánamo and secret detention sites, or alleged genocide in Darfur—to name only a few cases where impunity seems likely—what will be long-term impact on the rule of law? Has any progress been made since the adoption of the Set of Principles for the Protection and Promotion of Human Rights Intended to Strengthen Action to Combat Impunity¹² and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law¹³?

V. SHOULD WE DO IT AGAIN? IF SO, WHERE, WHEN AND SHOULD WE INVITE ADDITIONAL STATES?

¹² UN Doc. E/CN.4/Sub.2/1997/20/Rev.1 (1997).

¹³ UN Doc. E/CN.4/2005/59 (2004).