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Conflict of Interest in the Treaty-Based and Charter-Based Human Rights Bodies of Universal Level

**Michal Davala, PhD Candidate, Faculty of Law, Masaryk University, Brno (Czech Republic);
Legal Advisor, Department of Law Approximation, Government Office of the Slovak Republic,
Bratislava (Slovak Republic)**

The first part of the contribution should focus on purposes of rules governing the conflict of interest in the treaty- and charter-based human right bodies within the United Nations. The first category is created by committees, which exercise their mandate in terms of the particular international treaty. The second consists of the new Council on Human Rights, system of 'special procedures' and Advisory Committee. While treaty bodies have the quasi-judicial character, charter-based bodies do not exercise such power. They function according to mandate included in the foundational documents. None of these charter-based bodies exercise the power to decide whether or not the human rights were violated. Therefore the need for impartiality is different than in judicial or quasi-judicial organs.

The second part would analyse international treaties, rules of procedures and other documents governing the code of conduct of members of human rights committees relating to conflict of interest, if any. Similarities should be addressed and impact on the decision-making processes will be evaluated. Where appropriate, the comparison with the regional human rights court would be used to confront the quasi-judicial bodies with rules governing the judicial regional bodies.

Next part would analyse the foundational resolutions, rules of procedures and other document governing the requirements of objectivity and professionalism imposed on members of the Advisory Committee of the Council on Human Rights and on the 'special procedures' mandate holders. Mandate holders are subject to self-regulation before Coordination Committee of Special Procedures. Influence of those regulations on the objectivity of decision-making process would be analyzed.

Since the UN Council on Human Rights does not consist of individual experts, it is political body. However, its members take part in the decision-making process within 'complain procedure'. Therefore, the rules of the Council will be subject of evaluation in this part of the contribution as well. The motivation behind, and impact on the legitimacy requirement, of these rules should be assessed.



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The final part will compare different approaches in various universal human rights bodies that are significant for various roles they play in the human rights protection system. The efficiency of the 'conflict of interest' rules would be evaluated.