

Strengthening the United Nations Treaty Bodies:

A preliminary response from non-governmental organizations

On 22 June 2012, the United Nations (UN) High Commissioner for Human Rights published her report on “*Strengthening the United Nations human rights treaty body system*”.¹ This report is the culmination of consultations that started in 2009, known as the “Dublin Process”. The non-governmental organizations (NGOs) named below welcome the publication of the High Commissioner’s report and the approach taken by the High Commissioner throughout the Dublin Process to facilitate input from multiple stake-holders in developing the proposals. As stated by the High Commissioner, the aim of any strengthening process of the human rights machinery should be to make the system “more effective in assisting states parties to faithfully implement their human rights obligations for the benefit of rights-holders on the ground”. We believe that this is the measure against which proposals made through the Dublin Process, and recommendations that will arise from the forthcoming inter-governmental process, should be evaluated by all stakeholders.² We make the following initial comments in response to the High Commissioner’s report and as the process continues, we look forward to expanding upon the points raised and contributing further proposals to ensure an effective human rights treaty system.

The High Commissioner’s report contains a number of proposals aimed at tackling some of the chronic weaknesses affecting the system. The centre-piece of these is the idea of a **comprehensive reporting calendar**, which is built on the principles of transparency, predictability and the fair treatment of all states parties in undergoing regular reviews, regardless of whether they have submitted an initial or periodic report. The comprehensive calendar does not impose new obligations but merely reflects the existing obligations of states parties. In addition to the model offered by the High Commissioner, and building on the principles underpinning the proposal, it would be useful to explore alternatives for the scheduling of reviews in order to ensure maximum positive effects at the national level. Ultimately, though, the adoption of any such measures must not take away from the other core functions of the treaty bodies. We welcome the proposed **simplified reporting procedures**, noting that these are still in the early stages of development by a few committees and need to be assessed and built upon by them.

We recognize the challenges presented by large numbers of recommendations coming from the treaty bodies as well as other parts of the UN system. We believe that measures need to be taken to ensure that **concluding observations** are precise, focused, specific, measurable and relevant. However, we do not agree with the premise that shorter is necessarily better.

¹ “Strengthening the United Nations human rights treaty body system: a report by the United Nations High Commissioner for Human Rights, Navanethem Pillay, June 2012

² The inter-governmental process was established by UN General Assembly resolution 66/254 of 24 February 2012.

We welcome the High Commissioner's proposal that the **individual communications** procedures should be further strengthened, including through the adoption of common guidelines on the handling of communications and the formulation of specific remedies and other forms of satisfaction to redress violations. An effective and coordinated follow-up procedure to promote and ensure the implementation of views by states should be established by the treaty bodies. The Office of the High Commissioner for Human Rights (OHCHR) should provide consolidated and dedicated secretariat support to this procedure. Furthermore, the many additional proposals made in a joint NGO paper aimed at bolstering the individual communications procedure should be given further consideration.³

The importance of the national process, for consultations around the preparation of reports and for implementation of recommendations after a review as well as the views on individual communications, is reflected in the recommendation to states to develop a **standing national reporting and coordination mechanism**. We encourage those states parties who have such mechanisms in place or are currently considering their establishment to share their experience with the High Commissioner in order that her office may identify good practices in this area and share those widely.

The High Commissioner's report makes interesting proposals for **strengthening the membership** of treaty bodies including for states to put in place national processes for the selection of candidates and to create an "open public space" for the presentation of candidates for election. Taking meaningful steps to ensure the independence, impartiality and expertise of the membership of treaty bodies will be key to the effective implementation of many of the other proposals contained in the High Commissioner's report and to strengthening the treaty body system overall. We urge all states parties to give favourable consideration to the recommendations made and to act on them without delay.

The High Commissioner has made clear that the continual absorption of new treaty body mandates without a similar **increase in resources** is no longer sustainable. Any strengthening effort is therefore going to be dependent on a significant and long- overdue injection of permanent adequate funding.

We welcome the focus that the High Commissioner's report brings to the issue of **reprisals and intimidation** against individuals, their families or organizations who cooperate or attempt to cooperate with the treaty bodies, including by providing information or bringing communications. While the recommendation of the High Commissioner to 'ensure mechanisms for action' is welcome, it needs to be complemented by elaborating a specific procedure to prevent occurrence of and deal with allegations of reprisals. The establishment of a treaty body focal point on reprisals would be a positive first step in that direction.

One key aspect of ensuring that those who interact with treaty bodies are not put at risk is the convening of NGO meetings with treaty bodies to exchange information in *private* session. **NGO interaction** with treaty bodies has developed significantly over the years, with

³ "NGO Statement: Strengthening the Treaty Body Individual Communications Procedures", submitted to the Dublin Process consultations, and available at: <http://www2.ohchr.org/english/bodies/HRTD/index.htm>

all treaty bodies now providing for NGO meetings during formal meeting time – thereby providing interpretation and facilitating communication between treaty body experts and civil society. To make the system more accessible to civil society, it will be important for the treaty bodies to identify the most effective model in consultation with NGOs, taking into account practicalities, such as cost of travel, and ensuring that sufficient time is set aside for in-depth discussion.

To make the treaty body system more visible and accessible to rights-holders, there must be increased use of new technologies, including through **webcasting and video-conferencing**, and in respect of other technologies that enable engagement by civil society organizations, including local NGOs who may not have access to sophisticated technologies. In addition, resources should be devoted to ensuring that the treaty bodies website is clear, searchable, interactive and accessible.

We also believe that **in-country/in-region meetings** would make the treaty bodies considerably more accessible to a broad spectrum of rights-holders on the ground. We are therefore disappointed that the High Commissioner's report makes no mention of the idea of holding meetings outside of Geneva or New York, and hope that there is still scope to explore this idea.

We strongly concur with the High Commissioner's call for the inter-governmental process to continue the multiple stake-holder approach, and for that process to respect the independence of the treaty bodies to decide their own rules of procedure and therefore their own working methods. We are reviewing the report's proposals aimed at civil society and we look forward to making further contributions to these consultations in order to ensure a system that can enhance protection of human rights for all.

Advocates for Human Rights

Amnesty International

Centre for Civil and Political Rights

Centro de Estudios Legales and Sociales

Human Rights Watch

International Commission of Jurists

International Rehabilitation Council for Torture Victims

International Service for Human Rights

International Women's Rights Action Watch (global)

Open Society Justice Initiative

AI index: IOR 40/015/2012

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