

TREATY BODY STRENGTHENING

SUBMISSION AHEAD OF THE THIRD BIENNIAL REPORT OF THE SECRETARY-GENERAL

MAY 2019

General Assembly resolution [68/268](#) requests the Secretary-General to submit to the General Assembly, a third “comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work” in 2019. This report will be the third and last ahead of the review, due in April 2020, of “the effectiveness of the measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system” (the 2020 review).

In responding to the call for contributions, this submission, on behalf of Amnesty International, the Centre for Civil and Political Rights (CCPR Centre), Child Rights Connect, the International Commission of Jurists (ICJ), the International Disability Alliance (IDA), the International Movement Against All Forms of Discrimination and Racism (IMADR), the International Rehabilitation Council for Torture Victims (IRCT), the International Service for Human Rights, the Global Initiative for Economic, Social and Cultural Rights (GIESCR) and the World Organisation Against Torture (OMCT), focuses on:

- the objectives and principles for the 2020 review;
- visibility and accessibility; membership;
- working methods and inter-committee coordination; and
- the growth of the treaty body system and adequate funding.

It should not be seen as an exhaustive account of the challenges of the treaty body system.

OBJECTIVES AND PRINCIPLES FOR THE 2020 REVIEW

In advance of the preparation the second biennial report 29 non-governmental organizations published a letter, [Joint open letter regarding the 2018 biennial report by the UN Secretary-General on the state of the treaty body system](#), drawing attention to a series of objectives, principles and recommendations that we consider essential in any efforts to strengthen the human rights treaty bodies (hereafter ‘treaty bodies’, see also [NGOs call for an inclusive review process on treaty body strengthening](#)). We reiterate our position that increased promotion and protection of human rights through increased compliance by States with their human rights obligations at the national level must be the guiding star of the review process.

Furthermore, the 2020 review ought to build on the General Assembly’s practice regarding non-State stakeholders’ participation in standard-setting processes. All meetings should be open to NGOs and other interested stakeholders, and all stakeholders must be allowed to contribute directly and in a timely manner, including remotely through the use of relevant technology.

We welcome and support the Secretary-General's recommendation in his second biennial report that "it is imperative to enhance the 2020 discussions in an open, transparent and inclusive manner." [UN Doc. A/73/309, para. 89.] We call on the Secretary-General to:

- affirm that the objective of any review of the treaty body system must be increased promotion and protection of human rights at the national level through increased compliance by States with their human rights obligations.
- reiterate the recommendation for an open, transparent and participatory review process that achieves an outcome that promotes a strong, independent and effective treaty body system which, in turn, pays due regard to the needs and perspectives of rights-holders and victims as well as States.

VISIBILITY AND ACCESSIBILITY

The treaty bodies perform a crucial function in monitoring implementation of human rights obligations. Yet, their work is little known outside of specialist circles.

The General Assembly and UN Member States have provided additional funding for the webcasting of treaty body meetings. We welcome the decision to provide webcasting on a permanent basis as of January 2020 [A/RES/73/162], and consider it to be a key tool in ensuring greater visibility, better outreach and improved accessibility of the treaty body system as a whole. We call on the Secretary-General to:

- call on States to give greater visibility to the work of treaty bodies, including by promoting their findings at the national level.
- welcome the decision of the General Assembly to provide webcast in all official languages as of 2020 and to encourage the inclusion of national languages when a State party has made arrangements for interpretation and international sign language.
- request additional resources in order to ensure improved videoconference facilities including for persons with disabilities and suitable user-friendly databases to submit individual communications and to access concluding observations and decisions of the treaty bodies.
- develop sustainable solutions to improve accessibility to all the treaty bodies for persons with disabilities so as to enable them to attend States' reviews by all the treaty bodies including by providing the necessary accessibility tools. Currently such accessibility is limited to the Committee on the Rights of Persons with Disabilities.

MEMBERSHIP

Resolution 68/268 encouraged States to continue efforts to nominate, independent, diverse and expert candidates to the treaty bodies. The second biennial report reminded States of the lack of progress in setting up national selection mechanisms to strengthen the treaty body membership [UN Doc. A/73/309, para. 87]. We call on the Secretary-General to:

- remind States of their important role in promoting a treaty body membership set out in resolution 68/268 based on expertise, independence and diversity, as per resolution 68/268, by promoting open, transparent and merit-based nomination processes at the national level and by voting only for candidates that fulfil the criteria set out in the respective treaties and resolution.

WORKING METHODS AND INTER-COMMITTEE COORDINATION

Several challenges facing the treaty body system have been identified over the years including but not limited to continuing low reporting compliance. The individual communications present a looming crisis for the treaty body system if not tackled in a timely manner. We believe that differences in working methods (where not required due to the specificity of the treaty) such as in relation to the structure of the interactive dialogue, consultations with NGOs and NHRIs, follow-up procedures and consultation processes for general comments/recommendations

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make the treaty bodies difficult for NGOs and rights holders to navigate. With a view to ensure and enhance the engagement of rights holders with the treaty bodies, those differences should be closely examined.

The treaty bodies' legal prerogative to establish their own rules of procedure and working methods is essential to their functions, including their independence. We strongly consider that the treaty bodies themselves are best placed to tackle some of the challenges in this regard.

In order for the treaty bodies to be able to coordinate their work and ensure procedural and jurisprudential coherence a forum for such discussions needs to be created. The Chairpersons meeting is an important forum, yet its full potential cannot be reached when the treaty bodies themselves rarely have time to discuss working methods and even less so with other treaty bodies.

The lack of cross committee coordination presents a challenge to the system's procedural and substantive coherence. The desire to identify more effective ways of working should not be guided by a desire only to remove duplications, but also to discuss mutual reinforcement of States' human rights obligations, building on the interdependence and indivisibility of rights. We call on the Secretary-General to:

- remind all stakeholders of the independence and impartiality of the treaty bodies, including their legal competence to establish their own rules of procedure and working methods.
- request adequate resources for the treaty bodies to pilot and test alignment of working methods and evaluation of such initiatives.
- request adequate resources for the treaty bodies and the Secretariat to discuss good practices and methodologies at the Committee level and among all the treaty bodies and to set up inter-committee discussions on a regular basis, including through videoconferencing services, to discuss issues relating to procedural and substantial coherence of the treaty body system.

GROWTH OF THE TREATY BODY SYSTEM AND ADEQUATE FUNDING

The growth of the treaty body system and the increase in ratifications is often raised as big challenge for the system. It should however be seen as a positive development and a sign of States' commitment to promotion and protection of human rights at the national level.

None of the above measures can be taken unless UN Member States also fund the increasing activities of the treaty bodies sufficiently. The creation of the formula was a welcomed step by the General Assembly and resolution 68/268 is unique in providing a formula to assess resource allocation for the treaty bodies but it contains gaps in resource allocation that the General Assembly should seek to fill.

The 2020 review needs to ensure that the formula adequately addresses all functions of the treaty bodies, such as visits by the Subcommittee on the Prevention of Torture, individual and inter-State communications, urgent actions, inquiries, general comments/recommendations, simplified reporting procedure, follow-up procedures, efforts to prevent and combat intimidation and reprisals and discussions on working methods. We call on the Secretary-General to:

- request that the General Assembly fully funds all functions of the treaty bodies.