

Statement

Informal Hearing for Civil Society – Intergovernmental Process on Treaty Body Strengthening

ISHR has engaged actively in discussions on the strengthening of the treaty bodies and we welcome the opportunity to continue to do so today. While we appreciate the effort made to include NGOs from Geneva in the process, we feel strongly that greater efforts should have been made to also include voices from representatives of national and regional NGOs. Their absence from these consultations today represents the loss of a valuable perspective and source of expertise.

This intervention focuses on four issues: reprisals, interaction with NGOs, webcasting and videoconferencing, and meetings outside Geneva and New York.

1) Reprisals

We are pleased to see that the need to protect civil society actors who cooperate or attempt to cooperate with the treaty bodies from reprisals was acknowledged by several States during the informal consultations.

Fear of reprisal can hinder civil society participation in treaty body reviews, depriving Committee members of the knowledge and experience they depend on to carry out their mandates effectively. It is therefore fully within the mandate of treaty bodies to take steps to ensure that civil society is able to participate in sessions without fear of reprisal.

The HCHR recommends that treaty bodies take urgent and consistent measures in cases of reprisals, including through '*ensuring mechanisms for action*', appointing reprisals focal points in each treaty body, and '*considering consistent action through other relevant mechanisms*' such as relevant Special Procedure mandate holders, OHCHR, and inclusion in the Secretary-General's report on reprisals.

While, we believe the High Commissioner's proposal goes some way towards addressing the problem, we would also make the following recommendations with a view to building on it further.

- Treaty bodies should ensure that the identity and contact information of the focal point on reprisals is properly advertised on the Committee's website and communicated to NGOs participating in the treaty bodies' work.
- Treaty bodies should ensure that meetings held with NGOs are held in closed sessions. This will allow NGOs who are concerned about reprisals to continue to effectively engage. NGO briefings are opportunities for treaty bodies to hear frankly from those with

expert knowledge of the situation in a country on sometimes sensitive issues. If the State disagrees with the NGOs' analysis or information, it is able to raise this during the public review.

- '*Mechanisms for action*' as recommended by the HCHR, should involve a direct exchange with the State party concerned, which would then be required to respond to the allegations in a timely manner. Treaty bodies should also require States parties to report back on reprisals cases as one of the items requiring more urgent follow-up. However, any follow-up by treaty body members, including with delegations, should ensure that the complainant is not placed in further danger.
- Treaty bodies should work closely with OHCHR field presences and UN country teams, for example by requesting systematic follow-up by these actors with individuals at risk before and after the examination of State reports and the consideration of individual complaints. Furthermore, the focal point on reprisals in the treaty bodies should be matched with a focal point in the treaty body division of OHCHR. This focal point would be well placed to coordinate with OHCHR field presences and UN country teams, and to ensure inter-sessional attention to preventing and responding to cases of reprisals.
- The treaty bodies should highlight the Secretary-General's report on reprisals, by providing information about the report on their webpages and during their meetings with NGOs, and encouraging those who have suffered or face reprisals to submit their cases.

2) Interaction with NGOs

Regarding interaction with NGOs -- At present, the treaty bodies use varying modalities to interact with NGOs, which means that national actors have to separately learn how to effectively cooperate with each individual treaty body. We agree with the High Commissioner's proposal that this is one area in which harmonisation on the basis of treaty bodies' best practice would be extremely beneficial. Best practice is that which promotes regular interaction between NGOs and Committees, at least once a week. Further, we reiterate that this interaction should take place in closed sessions, to protect NGOs from reprisals. We disagree with the High Commissioner's proposal that these meetings should take place in public.

3) Webcasting and videoconferencing

Regarding webcasting and videoconferencing -- We welcome the support given by many States during the informal consultations to the proposal that OHCHR should webcast treaty body sessions. Live webcasting already takes place for many of the treaty bodies through the efforts of a group of NGOs. This has been widely welcomed by both civil society and States as it enables those not able to be present in Geneva or New York to follow reviews and is a means of building awareness of a review in a country.

As treaty body reviews are public sessions there is no basis for proposals made by some States during the informal consultations that the consent of the State party should be sought before webcasting reviews.

Furthermore, in order to protect against reprisals, we strongly disagree with the proposals that NGO briefings should be webcast.

Recommendations that NGOs should be able to participate in treaty body sessions through videoconferencing should be fully explored as a means of allowing Committees to reach out to, and ensure the participation of, local NGOs. The use of video-conferencing to facilitate NGO participation is an important means of securing a domestic constituency for treaty body outputs, which is central to effective implementation.

4) Meetings outside New York or Geneva

Lastly, we would like to raise another important proposal which is the idea of holding meetings outside New York and Geneva. The reality is that limiting treaty body meetings to New York and Geneva severely restricts NGO participation. Not only is the cost of travel prohibitively expensive for many civil society organisations, but also the relevance of the treaty bodies' work is diminished for many NGOs when meetings are far removed from the on-the-ground realities of a country's human rights situation.

In country and/or in region meetings would make the treaty bodies considerably more accessible to a broad spectrum of rights holders on the ground as well as to state actors. It would further familiarise many more NGOs and state actors with the work of the treaty bodies, increasing awareness of what the treaty bodies do and creating higher levels of engagement with the review process. Regional and/or country visits would also be a valuable opportunity for members to meet with key civil society actors and state officials, with a view to encouraging and assessing follow-up on previous and forthcoming recommendations.

In closing, we thank you again for the opportunity to participate today and would welcome additional opportunities to contribute in the future.