

**STATEMENT FOR NGO HEARING ON TREATY BODY STRENGTHENING**  
**22 May 2013**

**Amnesty International and the International Service for Human Rights (ISHR)**

Thank you, Ambassador Gunnarsdottir and Ambassador Percaya

I am making this statement on behalf of Amnesty International and the International Service for Human Rights, two organizations that have closely followed the inter-governmental process since it began. We regret the late scheduling of these NGO hearings as this prevents many NGOs from participating meaningfully and effectively. It also sends an unfortunate message about the importance attached to civil society input.

With the circulation of two documents entitled “The Way Forward” by the Co-Facilitators, the inter-governmental process is approaching a key juncture. These papers provide many different ideas, including some that have not otherwise been put forward or considered within the inter-governmental consultations. Although most of the proposals concern working methods and are for the consideration of the treaty bodies, some proposals have wide ranging implications for the fundamental architecture of the treaty body system.

Much attention has been focused on how to manage reviews by treaty bodies in a way that allows for forward planning, facilitates the timely review of reports, and encourages increased compliance by all states. These include the comprehensive calendar on a 5, 7 and 8 year periodicity as well as the “opt-in” calendar. The so-called “nimble biennium meeting calendar” seems to be more of a planning tool for budgetary control.

Amnesty International and the International Service for Human Rights are among those NGOs that have called for the creation of a “master calendar” for several years though not in the specific terms set out by the HCHR in her report. In order to facilitate greater and more effective engagement by all stakeholders, including NGOs, we have been requesting a tool that would enable planning for upcoming reviews through advance scheduling. While such a calendar must not fundamentally alter the periodicities in the treaties, it would allow for effective planning of national level consultations, and for civil society organizations to prepare information for the treaty bodies in advance. The “master calendar” we have called for could also be used for non-reporting states, on the basis of scheduling reviews according to their reporting obligations.

We believe that the following principles should continue to underpin any models that are put forward as part of the current discussions: predictability, transparency, compliance with treaty reporting obligations, and the review of all States parties, including those who fail to report. We do not support models that formalize non-reporting by states parties, or that establish two-tier systems. We also underline the need for compliance with the provisions on periodicity in the treaties. In that regard we draw States’ attention to the fact that some treaty

bodies have the scope to set periodicity themselves, which means that while some parts of the system are immovable by virtue of legal provisions, some flexibility exists in the system overall.

The “nimble calendar” offers a regular review of treaty bodies’ needs and for better financial planning. However, some critical elements are missing. Firstly, there is no commitment to sustainably increase the number of weeks available to treaty bodies to review reports, even though this is a pressing need for some treaty bodies presently and an inevitable consequence of increased reporting and ratifications (particularly as a result of capacity building). Secondly, it is not clear how the model will avoid the accumulation of a future backlog in reports and communications. Thirdly, the nimble calendar contains no goals in terms of securing increased compliance and no incentive to report for States parties that do not honour their treaty obligations to report on time, or in some cases, at all. Finally, it is unclear how this model will accommodate other mandated activities by the treaty bodies.

We also have some concerns about the “opt in calendar”, proposed in the “Way Forward, second part”. It seems the model will be tied to a yet to be determined periodicity, which suffers the same flaw in terms of altering the periodicity provisions in some treaties as the 5, 7, and 8 year calendar models. Also, it is not clear what incentives non-reporting states will have to report under this model, unless for example capacity building is provided to those who opt-in to ensure that they meet their reporting schedule. Further, until such time as non-reporting states start to report, we believe that the treaty bodies must be able to continue to consider States parties in the absence of a report. After all, this has proved to be an effective tool in securing reports from those states.

Thank you for your attention.