

Joint NGO statement Meeting of the treaty body Chairpersons

22 May 2013

This statement has been prepared by NGOs that regularly contribute to the work of the treaty bodies, many of whom have also followed and had input to discussions around the reform and strengthening of the treaty body system for several years. We firmly believe that the treaty body system requires strengthening to improve its effectiveness. Efforts to enhance the treaty bodies and the system should aim to strengthen the capacity of rights holders to enjoy their human rights, including by encouraging States Parties' to fulfil their obligations.

We take this opportunity of the Chairpersons' Meeting to offer support for the Chairpersons contribution to the treaty strengthening process. We believe that the Chairpersons, representing the primary venue and expertise for human rights monitoring and jurisprudence, offer experience and perspectives that are critical to the successful outcome of this process. We offer suggestions as to four priority areas that the Chairpersons might consider as critical to the outcome of the treaty strengthening process.

1) Universal ratification and implementation

The inter-governmental process provides a key opportunity for the Chairpersons to remind States of the obligations and commitments that have received little attention in the process thus far, namely: the full and effective implementation of recommendations and decisions made by treaty bodies, and compliance with reporting obligations.

In this 20th anniversary year of the adoption of the Vienna Declaration and Programme of Action, the Chairpersons could also remind all states of the commitment to achieving universal ratification of the international human rights treaties and their optional protocols, in addition to removing reservations that limit the scope of the treaties.

2) Working Methods

Given that decisions relating to working methods fall squarely within the remit of the treaty bodies, we encourage the Chairpersons collectively to share their views on some of the proposals that have emerged from the inter-governmental process thus far. To the extent that it is helpful we offer the following views from the NGO perspective on some of the key issues:

- *Alignment:* We support the longstanding efforts by treaty bodies to align their working methods, while replicating good practices and note that the continued use of different procedures relating to periodic reporting, individual communications and follow-up creates challenges for States and other stakeholders, including NGOs. We would welcome a commitment from the treaty bodies to continue to align their working methods.
- *Reprisals:* In light of increased reports of reprisals against NGOs and human rights defenders, we believe that treaty bodies should develop common guidelines on addressing reprisals and appoint focal points as quickly as possible, with a broad and clear mandate to take all possible steps to prevent and address reprisals. Even as the inter-governmental process has been underway in the past few weeks there has been at least one case of an NGO that has been targeted for providing information to a treaty body. Therefore, such an initiative is much needed.

- *NGO Meetings*: Linked to this, we would prefer the treaty bodies to organize their formal meetings with NGOs relating to State reviews in private. The majority of treaty bodies now follow this model, which we consider best practice. In addition, we encourage the treaty bodies which hold NGO briefings concurrent with State party reviews, to ensure that NGO briefing sessions are held no more than a few days before the State party review (ideally the day before) to limit the time NGOs must spend in Geneva and to reinforce the role of NGOs as important stakeholders. However, if a treaty body has determined that holding briefing sessions with non-governmental stakeholders several months in advance is beneficial to the review of States Parties under that particular convention, this practice should be upheld.

There are other proposals under discussion that we believe could improve the accessibility of the treaty body system to NGOs, for example, the use of webcasting and video-conferencing, a database of treaty body jurisprudence, and a calendar that sets the review of States parties reports in advance and therefore offers predictability to NGOs in their planning and preparations.

3) Resourcing

We hope that one of the key outcomes of the intergovernmental process will be the allocation of additional funds to the treaty body system. Indeed, the current challenges are largely the result of years of under-funding, resulting in a large backlog of reports and communications. However, at a time of financial crisis and global recession, the allocation of any additional funds for the treaty body system will depend on cost savings as well. In the treaty body context, official documentation is a major cost driver, inspiring a number of proposals to reduce translations and summary records as well as to limit the length of concluding observations and lists of issues.

Suggestions have been made to shorten or lessen concluding observations and questions in the List of Issues Prior to Reporting. These may also result in shorter written replies from States. We would welcome your views on where the treaty bodies believe cost savings might be made without compromising the quality of the review or other tasks of the committees, and their outcomes.

4) Guidelines on the independence and impartiality of members of the human rights treaty bodies (the “Addis Guidelines”)

The treaty bodies are committees that are independent and empowered to develop their own rules of procedure and working methods. Notwithstanding the various initiatives taken over the years by the treaty bodies themselves to safeguard their independence, we welcome the step taken by the Chairpersons at their twenty-fourth meeting in 2012 to develop and adopt the Guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa Guidelines”). The decision to adopt these Guidelines reinforced the independence and impartiality of the treaty bodies. We encourage all of the treaty bodies to endorse the Guidelines, and to ensure that they are adhered to by all members.

In closing, the inter-governmental process on strengthening treaty bodies will only be successful if it contributes to greater human rights protection, a view we trust that we share with the treaty body experts. In that regard we believe that a proactive intervention by treaty bodies at this point in the intergovernmental process could have a positive effect on the direction of the discussions. We offer our continuing support for the efforts of treaty bodies to become increasingly effective institutions for the promotion and protection of human rights.

- Amnesty International
- Centre for Civil and Political Rights (CCPR-Centre)
- Centro de Estudios Legales y Sociales (CELS)
- Child Rights Connect (formerly the NGO Group for the CRC)
- Corporación Humanas (Chile)
- Human Rights Watch
- International Rehabilitation Council for Torture Victims (IRCT)
- International Service for Human Rights (ISHR)
- International Women's Rights Action Watch (IWRAW)
- International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific)
- Open Society Justice Initiative (OSJI)
- The Advocates for Human Rights
- World Organisation Against Torture (OMCT)