

THE POZNAN STATEMENT ON THE REFORMS OF THE UN HUMAN RIGHTS TREATY BODY SYSTEM

Poznan, 28-29 September 2010

1. In 2009, the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, appealed to States Parties to human rights treaties, Treaty Bodies' members, and other stakeholders, such as civil society and national human rights institutions to reflect on proposals which could enable the Treaty Body system to be more coherent, coordinated and effective. In response to this call, an International Seminar of Experts on the Reform of the United Nations Human Rights Treaty Body system was convened in Poznan (Poland) on 28 and 29 September 2010. Current and former members of Treaty Bodies, including several chairpersons participated in the Seminar in their personal capacities. Experts from non-governmental organizations and OHCHR took part in the Seminar as observers.
2. Building on the 2009 Dublin Statement on the Process of Strengthening the United Nations Human Rights Treaty Body System, adopted by current and former members of Treaty Bodies, and on the 2010 Marrakech Statement on strengthening the relationship between NHRIs and the human rights treaty body system, participants in the Poznan expert meeting (further referred to as "the Participants") acknowledge the significant achievements of Treaty Bodies over the last forty years. They also refer to the rapid evolution and important growth of the Treaty Body system, especially within the last decade, and the new and emerging related challenges, as defined in the Dublin Statement.
3. The Participants strongly reaffirm the belief that Treaty Bodies play a unique role in preventing and combating human rights violations and ensuring redress to victims of human rights violations due inter alia to the legal nature of their mandates; that the interrelationship between the different functions of Treaty Bodies is one of their distinct strengths; and that Treaty Bodies provide important support to States Parties in their efforts to improve the promotion and protection of human rights.
4. The Participants emphasize the value of harmonization across the Treaty Body system of both reporting and communication procedures for their effectiveness and efficiency, and thus, for the better promotion of human rights and protection of victims of human rights violations.
5. The Participants address words of sincere appreciation to the Faculty of Law and Administration of the Adam-Mickiewicz University at Poznan and to the Ministry of Foreign Affairs of the Republic of Poland for organizing the Seminar and offering their hospitality to the Participants, and to the United Nations Office of the High Commissioner for Human Rights for extending support to this valuable initiative.

Streamlined and focused approach to reporting procedures

6. The Participants recognize the steady increase of ratifications of international human rights treaties, the rise in States Parties reporting rates to Treaty Bodies, the establishment of new Treaty Bodies, the continuing increase of meeting time, as well as the addition of new procedures and introduction of new working methods. Nevertheless, the reporting system under human rights treaties continues to face challenges which need to be urgently addressed.
7. The Participants acknowledge that the reporting process is composed of interlinked phases embracing the preparation and submission of reports by States Parties, including the initial dialogue with the given Committee and consultations at the national level, consideration of the report by the

Committee based on the dialogue with the State Party, and the follow-up to the Committee's concluding observations at the country level. This process being a continuum, each reporting cycle should build on the one that preceded it, thereby providing the basis for the next cycle.

8. In this context, the Participants recommend that the reporting process be better streamlined and focused in order to increase its effectiveness and efficiency to afford better protection to rights holders at the country level.

9. The Participants welcome the recent initiatives taken to strengthen the reporting system under the human rights treaties, in particular the adoption by some Treaty Bodies of the list of issues prior to reporting (LOIPR), as an option used in agreement with the State Party concerned. LOIPR could provide an opportunity to significantly streamline and enhance the reporting procedure with the strategic aim of making it more focused and effective. However, given the discussion as to the appropriateness of this concept with respect to all Treaty Bodies, the Participants recommend a flexible approach that allows Treaty Bodies to use LOIPR within a larger "tool box" of reporting options, under circumstances that so require. Where permitted under a treaty, in situ visits by Treaty Bodies' experts may also be considered as another reporting method.

10. The Participants recall that the common core documents constitute the backbone of the reporting process and should, therefore, be submitted and updated by State Parties regularly.

11. The Participants recommend a coordinated approach by Treaty Bodies concerned to address the situation of non-reporting States with a view to supporting such States Parties in complying with their reporting obligations.

12. The Participants urge States Parties to do their utmost to provide quality, precise and focused information under the reporting obligations. In doing so, States Parties should strictly respect the established page limits, as specified in relevant reporting guidelines and in the common core document guidelines (HRI/MC/2006/3), as well as in line with the recent recommendation adopted by the Chairpersons of human rights Treaty Bodies (A/65/190).

13. Broad national consultations should be systematically built into the reporting process of States Parties at a very early stage. While respecting the principle that States Parties remain the owners of the reports, which they submit, non-governmental organizations and all actors of a wider civil society should be encouraged and provided with meaningful opportunities to present inputs to the consultative process in the drafting of reports.

14. The Participants also stress the importance of establishing national frameworks for consultations concerning the preparation of reports to Treaty Bodies and the implementation of recommendations contained in Treaty Bodies' concluding observations and views. These may be integrated, where possible and appropriate, with consultations under other reporting procedures. A framework involving Governments and other stakeholders, in particular National Human Rights Institutions, non-governmental organizations, academia and other parts of civil society may provide a platform for the development of national action plans for a coordinated implementation of recommendations addressed by Treaty Bodies to the State Party concerned.

15. The Participants recognize the high value of information provided to Treaty Bodies by non-governmental sources. Non-governmental organizations and other actors of civil society are strongly encouraged to submit their own information to Treaty Bodies. Any reprisal against those making such submissions constitutes an outright violation of the legal obligations under the international human rights treaties. Treaty Bodies should take urgent measures in case of such violations, including

through relevant mechanisms, such as the Special Procedures of the Human Rights Council and OHCHR. Those Treaty Bodies, which do not have procedures to address such situations, should adopt them.

Advanced coordination, harmonization and common measures

16. With the imminent establishment of the tenth Treaty Body, the system needs to move from a "light" to an "advanced" coordination and harmonization mode. The Participants fully recognize the meaningful progress in this regard achieved since 2002 through the Inter-Committee Meetings, but note that many important recommendations adopted by Chairpersons of Treaty Bodies have not been duly implemented and that Treaty Bodies continue to have strongly diversified working methods and modalities of interaction with States Parties and other stakeholders, including National Human Rights Institutions, UN partners, and civil society. While autonomy and specificities of Treaty Bodies should be retained, enhanced coordination and harmonization is still desirable and possible. In addition, clear and accessible information on activities and modalities of work of Treaty Bodies for all stakeholders is essential to enabling them to engage with the system. Needless to say, effective coordination and harmonization would help Treaty Body system to considerably enhance its contribution to the promotion and protection of human rights at the country level.

17. Respecting the autonomy and specificity of Treaty Bodies, the Participants recognize the spearheading role of Chairpersons during the inter-sessional period, facilitating coordination of common activities and representation, such as consideration and adoption of joint statements. Chairpersons should be empowered to adopt measures on those working methods and procedural matters, which are common across the Treaty Body system and have previously been discussed within each of the Committees. Such a measure would be implemented by all Treaty Bodies, unless a Committee subsequently dissociates itself from it.

18. The Participants recommend that the role of Treaty Bodies' members during inter-sessional periods be recognized and activated in order to facilitate, inter alia, coordination of common activities and representation. Enhanced communication between Treaty Bodies' members should be facilitated through, among other ways, a secure intranet connection and better use of new technologies. The Chairpersons and in particular the OHCHR are called upon to reflect on the utilization of the expertise of Treaty Bodies and their members during the inter-sessional period with a view to enhancing the support to States Parties in the compliance with their obligations under human rights treaties. The expertise of Treaty Bodies' experts should also be made available to a larger extent to civil society and other stakeholders.

Expertise and independence of Treaty Bodies' members

19. The Participants recognize that the independence of Treaty Bodies' members is crucial in discharging their mandates. They recommend that guarantees for independence, availability, and competence be strengthened in the context of elections of members to Treaty Bodies and during their terms of appointment. Therefore, the Participants recommend that the Chairpersons entrust a working group to prepare guidelines on eligibility and independence of experts to be adopted in the near future by the Annual Meeting of Chairpersons. The working group may wish to take due account of the observations made in this context by the Eighth Meeting of Chairpersons of Treaty Bodies on 21 October 1997, (A/52/507, para. 67-68), reaffirmed at the Seventh and Ninth Inter-Committee Meetings in 2008 and 2009 respectively, as well as General Recommendation No. 09 of the Committee on the Elimination of Racial Discrimination, and Decision 44/I of the Committee on the Elimination of Discrimination against Women.

20. The Participants wish to reiterate the commitment of States Parties to ensure that all candidates

are nominated through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area and willingness to take on the full range of responsibilities related to the mandate of a Treaty Body member, as well as to refrain from nominating persons performing political functions or occupying positions that might interfere with the essential tasks of Treaty Bodies. The candidates should be fully aware of the nature and scope of their future responsibilities, including the amount of time and the extent of the duties required for carrying out their important mandates.

21. With a view to ensuring the continuing high level of performance of tasks by Treaty Bodies the participants recommend to OHCHR to prepare a handbook embracing all essential information for new and current members of Treaty Bodies.

Bringing Treaty Bodies' proceedings closer to the implementation level

22. Treaty Bodies' sessions are traditionally organized at the Headquarters level. In view of the development of transport and communication means since the establishment of the first Treaty Body over four decades ago and with the objective of bringing Treaty Bodies' work closer to the implementation level, the Participants recommend that due consideration be given to organize when appropriate Committees' sessions in different regions with the support of the United Nations Regional Commissions.

23. Treaty Bodies are most effective when their work is well known by country level actors and the public at large. The webcasting of the proceedings of the Universal Periodic Review (UPR) under the UN Human Rights Council demonstrates the effectiveness of the utilization of modern technology in linking the work of international organizations with the national stakeholders. The Participants reiterate the long-standing call for making all public meetings of Treaty Bodies webcasted and related audio files accessible on the OHCHR website. The Participants also call for exploring other modalities of using new technologies in this context.

24. The Participants call upon international NGOs to further facilitate engagement of national level stakeholders, including civil society organizations in the work of Treaty Bodies.

Follow up to Treaty Bodies' outputs

25. It is crucial for the promotion and protection of human rights that Treaty Bodies' outputs are systematically followed-up and implemented by States Parties concerned. To this effect, four Treaty Bodies have recently established written follow-up procedures which enable them to request a State Party within one to two years after the review of its report to submit information on the implementation of a few priority and implementable issues. The Participants recommend that such procedures be reinforced and extended to other Treaty Bodies.

26. The Participants recognize the importance of integrating consideration of information submitted by National Human Rights Institutions and NGOs into follow up procedures.

27. The Participants emphasize the importance of better harmonization and coordination between Treaty Bodies for the effectiveness of follow up to their observations and views. They also reiterate the value of mutual cross-references in Treaty Bodies' considerations, concluding observations and views. The Participants welcome that further development of ways and means of coordination in this regard will be explored at the meeting of the Working Group on Follow-up Procedures to be held at the beginning of 2011.

28. The Participants welcome examples of follow-up missions by members of Treaty Bodies to States

Parties concerned, involving interaction with a broad range of stakeholders, as a tool to facilitate the full implementation of Treaty Bodies' concluding observations and views. They recommend to the Meeting of Chairpersons to analyze comparative advantages of various methods of linking Treaty Bodies with national counterparts, including National Human Rights Institutions and non-governmental organizations, in the context of follow up to concluding observations and views by Treaty Bodies.

29. The Participants recommend to further integrate follow-up to Treaty Bodies' concluding observations and views into OHCHR country strategies, including the work of OHCHR regional and country presences and its Headquarters based activities, as well as into the UNCTs programmes.

30. In order to facilitate implementation of Treaty Bodies' recommendations by States Parties and ultimately improve protection of rights-holders, the Participants recommend that Treaty Bodies critically review the substance and form of concluding observations for the purpose of improving them and thus, enhancing their impact.

31. Acknowledging the impact, which the Universal Periodic Review (UPR) can have on the protection of human rights, the Participants recommend that UPR takes fully into account recommendations by Treaty Bodies and ensures that its recommendations to Member States be followed-up and implemented in synergy with the recommendations adopted by other main international human rights mechanisms, namely Treaty Bodies and Special Procedures.

Follow up to the Poznan Seminar

32. The Participants reiterate the Statements made at the meetings in Dublin and Marrakech and emphasize the key role of the High Commissioner for Human Rights and her Office in facilitating, enabling and supporting reform initiatives. The Participants would also like to reiterate the call on all stakeholders to support the High Commissioner in this task and, once again, invite her to continue facilitating consultation among them, with the aim of developing specific proposals for the strengthening of the Treaty Body system.

PARTICIPANTS:

Ms. Violet Awori - Member, Committee on the Elimination of Discrimination Against Women
Mr. Abdelhamid El Jamri - Chairperson, Committee on Migrant Workers (last moment cancellation of the attendance due to unexpected developments)
Mr. Malcolm Evans - Member, Subcommittee on Prevention of Torture
Mr. Claudio Grossman - Chairperson, Committee Against Torture
Mr. Anwar Kemal - Chairperson, Committee on the Elimination of Racial Discrimination
Mr. Zdzisław Kędzia - Member, Committee on Economic, Social and Cultural Rights
Ms. Yanghee Lee - Chairperson, Committee on the Rights of the Child
Mr. Jaime Marchan-Romero - Chairperson, Committee on Economic, Social and Cultural Rights
Mr. Ronald McCallum - Chairperson, Committee on the Rights of Persons with Disabilities
Mr. Michael O'Flaherty - Member, Human Rights Committee
Mr. Roman Wieruszewski - Former Member, Human Rights Committee
Ms. Zonke Zanele Majodina - Vice Chairperson, Human Rights Committee (last moment cancellation of the attendance due to unexpected developments)