

# Towards a strengthened UN treaty body system

## Civil Society Proposals

### Introduction

In 2014, the UN General Assembly adopted resolution 68/268 on ‘Strengthening and enhancing the effective functioning of the human rights treaty body system’. In the same resolution, the General Assembly decided to consider the state of the human rights treaty body system no later than April 2020. In the context of this review, a number of Civil Society Organisations (CSOs) that engage with the United Nations Treaty Bodies (UNTBs) have discussed over a series of months how to strengthen the UNTB system, focusing in particular on how to best ensure that the system is accessible to rights holders, responsive to victims of human rights violations, and encourages all States parties to uphold their human rights obligations. CSO consultations have been held to hear the views of a range of organizations from the national and regional levels, from different parts of the world, and engaged on a range of different human rights.<sup>1</sup> The position paper of UNTB Chairpersons of June 2019 and the efforts of the Chairs to build a more effective UNTB system, is also welcome and has informed those discussions.

This document presents proposals on how to strengthen the UNTBs, made by the CSOs listed at the end of this paper. A separate paper outlines the position of civil society organizations with respect to the General Assembly’s review of resolution 68/268.

The proposals made herein relate primarily to the State reporting procedures of the treaty bodies and do not specifically address their other functions. The serious under-resourcing of the petitions unit remains of great concern to civil society, however, and we repeat our calls to adequately fund and support that crucial function of the UNTBs.

### Overarching Principles

Five **overarching principles** are essential for the strengthening of the UNTB system and our strengthening proposals in this document are evaluated against them:

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<sup>1</sup> An initial draft of this paper was prepared by TB-Net, an NGO platform composed of CCPR-Centre, Child Rights Connect, GI-ESCR, IDA, IMADR, IWRAW-AP and OMCT. Several NGOs meetings took place during the first half of 2019 and an international NGO consultation was held on 2 July 2019 jointly organised by TB-Net, ISHR and Amnesty International. The draft paper was shared with civil society colleagues at those meetings for discussion. The July consultation gathered the following organizations: ADC Memorial, ALEF Lebanon, Centro PRODH, CIFDHA-Burkina Faso, FIACAT, Gulf Centre for Human Rights, Human Rights Law Centre, ILGA, MENA Rights, MINBYUN- Lawyers for a Democratic Society, Open Society Justice Initiative, Plan International, Plataforma Internacional contra la Impunidad, Promolex, SOS-Torture Burundi, Together Scotland. Also, the Geneva Academy and the Jacob Blaustein Institute participated at the meeting. In addition, this position paper takes into account the inputs of the Geneva Academy’s 2018 report on *Optimizing the UN Treaty Body System*.

1. **Human rights protection.** The ultimate aim of the reform must be to improve the realization of human rights on the ground. The promotion and protection of human rights must be at the center of the 2020 review.
2. **Specificity within one System.** The UNTB system should be seen as one system, in which the specificity of each Treaty and Committee is retained.
3. **Adequate Funding.** It is essential for the system's effective functioning that it receives sufficient funding to be able to carry out its mandate. The GA Resolution 68/268 continues to provide an appropriate framework concerning funding and States must respect the formula it established. States must also ensure adequate funding for the work of the UNTBs under the individual communications and inquiries procedures, which are currently insufficiently supported. The strengthening proposals made in this document are intended to be implementable within the resources allocated under the formula.
4. **Civil society participation.** A vital part of the UNTB system is the contribution of civil society. This should be reflected in the reform of the UNTB system, including by strengthening the accessibility of the mechanisms to civil society.
5. **Independence.** Any reforms should preserve the independence of the UNTBs and of committee experts, since independence is key to the credibility and effectiveness of the system.

### Key Objectives of a Strengthened UNTB System

The strengthening process should seek to fulfill the following objectives:

- **Regular, predictable and universal State reporting.** The current system relies on the willingness of States parties to report on time. **Only 18.7% report fully on time**, and some do not report at all.<sup>2</sup> Further, States may also be reporting regularly to one UNTB whilst not reporting at all to others. Any reform should therefore ensure that all States parties are reviewed within a regular and predictable timeframe.
- **Coordination.** The UNTBs should strengthen the coordination of their substantive work, in particular in relation to General Comments and Concluding Observations/Recommendations, in order to avoid inconsistencies and ensure complementarity in protection standards and mutual reinforcement.
- **Alignment.** The UNTBs have taken steps towards alignment of their working methods and procedures and should continue in this direction. This would improve the accessibility of the system for civil society, rights holders as well as States, and remove 'unnecessary' procedural differences.
- **Constructive dialogue.** The public dialogue with States parties is a valuable and unique element of the State reporting procedure and would benefit from alignment based on good practices.
- **Visibility and accessibility.** Online live streaming of the UNTB reviews, in English and a language spoken in the concerned State, when available, increases the accessibility

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<sup>2</sup> A/73/309, §19

and visibility of the system for right holders, and should be continued. This must remain as default for all UNTB reviews. Furthermore, accessibility for different groups, such as persons with disabilities and children, must be ensured.

### **Proposal to strengthen the State reporting procedure**

Reviews according to a fixed and synchronized/coordinated calendar would substantially enhance predictability and the regular occurrence of reviews of all States, which will also to make the system more accessible to all relevant stakeholders. Challenges may arise, however, with maintaining different cycles and calendars for the Covenant and Convention Committees (i.e., 8 years versus 4-year cycles).

**We therefore propose a model that would reconcile the importance of regular human rights reviews and universal reporting, with the logistical and resource constraints. This proposal combines the two reporting cycles and periodicity proposed by the Covenants and Convention monitoring bodies, in order to reinforce the notion of one system and to strengthen the follow-up and implementation of UNTB recommendations.**

This proposal is made on the basis that:

- UNTBs review each State party on a regular basis according to a calendar established in advance (fixed calendar). Reviews will proceed regardless of whether the States has submitted their report, or submitted it on time.
- This calendar will be synchronized among the UNTBs to ensure that reviews before each Committee takes place in a coordinated manner and that no more than two reviews per year are scheduled for each State (with the limited exception of those States that have ratified all nine human rights treaties).
- Focal points in every UNTB would be appointed to liaise with each other on different matters, and systematically inter-Committee meetings would be held to help coordination. Focal points could also work to ensure greater alignment of working methods and procedures among all UNTBs.

**We further propose that all States report every four years, through an alternating, two-level cycle of comprehensive and focused reviews, as follows:**

- *Comprehensive Review*

Comprehensive reviews would:

- Take place every eight years (staggered alternately with the Focused Review),
- Involve a six-hour review that should be carried out by each UNTB, every eight years, in Geneva;
- Address all the provisions of the respective treaties;
- Comprise (but not be limited to) the issues included in the List of Issues Prior to Reporting (LOIPR) (Simplified Reporting Procedure - SRP), other than for initial reports;
- Coordinate with the UPR cycles, as far as possible.

- *Focused Review* (similar to the [Technical Review of Impact and Progress \(TRIP\)](#)),

Focused reviews would:

- Take place every eight years (staggered alternately with the Comprehensive Review),
- Focus on assessing the progress made on the most pressing issues identified in the comprehensive review, as well as any new or urgent issues that have arisen. They should be expanded to a full-**comprehensive review in Geneva** where the Committee considers that there is a serious deterioration in the human rights situation in the country.
- Take place either:
  - (a) in the concerned State by two to three treaty body members, with adoption of the concluding observations by the full treaty body in Geneva; or
  - (b) in Geneva with State representatives for two to three hours, if the State refuses a **country visit** or has otherwise compromised the feasibility of a **country visit**; or
  - (c) at a regional UN headquarters.
- Ensure that civil society can play an active role, regardless of where the review takes place;
- **would ensure regular human rights reporting by States but ease the reporting and resource burdens, enabling more time to be dedicated to the most pressing human rights issues for each State.**

Where relevant and appropriate, focused reviews could also be carried out jointly by several Committees.

### The role of civil society

The participation of CSOs is a cornerstone of the UNTB system: all UNTBs should preserve and ideally strengthen the key elements of civil society engagement, including the private CSOs briefings (formal and informal). These briefings allow civil society to share first-hand information, concrete recommendations and their priority concerns, with the UNTBs including through videoconferencing services. The procedure for the engagement of CSOs should be further aligned and harmonized, including regarding the organization of the CSOs briefings and based on good practices. **Written and oral inputs by civil society must be treated as confidential, unless they authorize otherwise, in order to ensure safe participation and prevent reprisals.**

### SRP & LOIPR

CSOs should be able to provide input at the early stages of the procedure (in particular for the SRP - LOIPR). CSOs **who have submitted a report** should be able to brief the Committees ahead of the adoption of the SRP/LOIPR, including through video link.

### *Review*

The time allocated for the **UNTB interactions with right holders and CSOs** should, at a minimum: be held in plenary, in a private session, for at least 60 minutes per country, the day before the review of the relevant State. Additional informal briefings could be organized when relevant. Briefings must ensure accessibility for particular groups, such as children or persons with disabilities, including concerning the timing and length of briefings.

### *Focused review*

CSOs should also play a critical role in the focused review. In case of country visits, UNTBs should have specific allocated meeting time with CSOs. CSOs should also be able to contribute information for the assessment made by the UNTBs on the progress made on key issues at the focused review if this takes place in Geneva or at a regional UN headquarters.

### **Conclusion**

This document presents the perspective of the undersigned civil society organizations who engage closely with the UNTBs. It puts forward a proposal for the treaty body strengthening process, building on the many advances and ideas of the UNTBs themselves. The proposal seeks to strengthen the effectiveness of the UNTB system by promoting regular and predictable human rights reviews for all States and increased implementation of recommendations, whilst reinforcing one UNTB system which is accessible to rights holders and civil society.

We look forward to further discussions and collaboration as we work collectively towards an approach that achieves the primary and ultimate goal of increased promotion and protection of human rights.

### **Endorsing Organizations**

(as of 22<sup>nd</sup> October 2019)

1. American Civil Liberties Union (ACLU)
2. Aula Abierta
3. Cairo Institute for Human Rights Studies
4. Centre for Civil and Political Rights
5. Child Rights Connect
6. CIVICUS: World Alliance for Citizen Participation
7. COC Nederland
8. Feminine Solidarity for Justice org
9. Global Initiative for Economic, Social and Cultural Rights
10. Human Rights Defenders Network-SL
11. Human Rights Law Centre (Australia)
12. Human Rights Watch
13. IDHEAS, Litigio Estratégico en Derechos Humanos, México
14. International Disability Alliance
15. International Federation of Settlements and Neighborhood Centers
16. International Movement Against All Forms of Discrimination and Racism (IMADR)
17. International Women's Rights Action Watch Asia Pacific
18. ISHR
19. MENA Rights Group
20. Namibia Diverse Women's Association

21. OutRight Action International
22. Oyu Tolgoi Watch
23. Plataforma Internacional contra la Impunidad
24. Promo-LEX (Moldova)
25. Red por la infancia
26. Rivers without Boundaries Coalition
27. Together (Scottish Alliance for Children's Rights)
28. TRIAL International
29. Validity Foundation - Mental Disability Advocacy Centre
30. World Organisation Against Torture (OMCT)