

Joint NGO Statement on the occasion of the 28TH meeting of Treaty Body Chairpersons
2 June 2016, New York

This statement is endorsed by a group of NGOs¹ that regularly contribute to the work of the Treaty Bodies, many of whom also contributed to discussions around the reform and strengthening of the Treaty Body system.

We take this opportunity to highlight priority areas as critical elements of the implementation of General Assembly resolution 68/268 and the continuing process of strengthening the Treaty Body system.

Agenda item 4: Reporting compliance by States parties to the Treaty Bodies.

The yearly note by the Secretariat on the status of State parties reporting provides valuable information on late and non-reporting States, as well as States with good reporting track records.

In order to break the status quo where Treaty Body reviews are hindered by State Parties' failure to report, or report in a timely fashion, the Chairs should:

1. ask those Treaty Bodies who do not have dedicated procedures to deal with late and non-reporting States to adopt one, in line with existing good practices by other Treaty Bodies;
2. encourage those Treaty Bodies who do not review States in the absence of a report to do so, including long overdue initial reports;
3. encourage Treaty Bodies to systematically request meetings with representatives of late and non-reporting States to convey their concerns;
4. along, with OHCHR seek wide dissemination of the comprehensive and consolidated information available, for instance to the UN General Assembly or through regular OHCHR mailings;
5. call for information on reporting compliance of States candidates for Human Rights Council membership to be made publicly available and considered at the time of the elections.

Agenda Item 6: adoption and implementation by Treaty Bodies of the Guidelines against Intimidation or Reprisals ("San José Guidelines")

Addressing reprisals against persons engaging with the Treaty Body system continues to be one of the key achievements of the strengthening process.

Seven Treaty Bodies have either adopted the San José Guidelines or have a policy on reprisals. Each Treaty Body has now adopted a focal point or a rapporteur on reprisals.

1. CESCR, the Human Rights Committee and CEDAW should adopt the San José Guidelines without further delay.
2. Those Treaty Bodies that have adopted the San José Guidelines should ensure they are implemented.

¹ Amnesty International, the Centre for Civil and Political Rights, the Centre for Reproductive Rights, Child Rights Connect, the International Commission of Jurists, the International Disability Alliance, the International Movement Against All Forms of Discrimination and Racism, the International Rehabilitation Council for Torture Victims, the International Service for Human Rights and Franciscans International

3. Treaty Bodies should each create a public webpage on reprisals that includes the contact details of the rapporteur or focal point on reprisals, as well as information regarding cases received, communications sent to States concerned, responses received, and any follow-up communications, while seeking to protect the confidentiality of victims when they so require;
4. Chairs should create a common database of cases of reprisals that would enable better coordination across Treaty Bodies and between Treaty Bodies and the wider UN system.
5. Treaty Bodies should share the information received on reprisals with the Secretary General to feed into his reports on reprisals
6. Treaty Bodies should take steps to avoid or mitigate the potential threats posed by the presence and participation of GONGOs in the work of the Treaty Bodies.

Agenda Item 7: Implementation of General Assembly resolution 68/268

The initiation of the OHCHR's capacity building programme for States on reporting to Treaty Bodies and following up on recommendations constitutes a welcome development.

The upcoming publication of an OHCHR manual for States on National Mechanisms for Reporting and Follow-up is expected to boost the establishment and functioning of these important bodies.

Treaty Bodies should consider and/or expand some of the recommendations which have been made in recent years² "to support" State "compliance with treaty obligations". In this regard, the Chairs should, including:

1. integrate the issue of implementation as a standing agenda item at the Chairpersons meetings and encourage all Treaty Bodies to do so during their sessions;
2. adopt a coordinated strategy on the establishment of National Mechanisms for Reporting and Follow-up, and encourage Treaty Bodies to recommend the establishment of such bodies in places where they are not yet established;
3. encourage Treaty Bodies to take steps to increase their visibility towards rights holders and victims at the national level;
4. call on the UN system to integrate Treaty Body recommendations more systematically in their national work plans;
5. reiterate the need for Treaty Bodies to increase and improve cross referencing between each other, as well as references to other international and regional human rights bodies, such as recommendations by the Special Procedures, the Universal Periodic Review or regional monitoring mechanisms.

Keeping in mind the limited civil society space in the 2014 General Assembly process, we hope that the participation of civil society - those who directly engage with the treaty body system - in the 2020 process will be prioritised.

2 June 2016

² Including the January 2015 Wilton Park report "Strengthening the UN human rights treaty monitoring system. What are the next steps?" <https://goo.gl/Xcfa9z> and the joint NGO statement to the 2015 meeting of Chairs <https://goo.gl/XrHRtc>