

Civil Society Position Paper on the 2020 Review of UN General Assembly Resolution 68/268 on ‘Strengthening and enhancing the effective functioning of the human rights treaty body system’

This position paper has been prepared by NGOs that regularly engage with the UN human rights treaty body system. We greatly value the treaty body system and consider it essential that Member States ensure that this key component of the UN’s human rights architecture is effective at ensuring human rights protections worldwide. As this paper explains, we believe that all stakeholders should reaffirm their support for Resolution 68/268 and ensure that it is fully implemented in the years ahead.

Key Principles

We consider that the forthcoming review by the UN General Assembly of the state of the human rights treaty body system and the effectiveness of the measures taken to strengthen it in Resolution 68/268 should respect the following principles:

- **Protection of Rightsholders.** The ultimate aim of strengthening the treaty body system is to improve the realization of human rights on the ground.
- **Independence.** The 2020 review should preserve the independence of the UN treaty bodies, which is key to their continued credibility and effectiveness.
- **Specificity of treaties.** While the treaty bodies should be seen as one system, the specificity of each treaty must be respected.
- **Adequate Resources.** It is critical that Member States allocate sufficient resources from the regular UN budget to allow the treaty bodies to carry out all of their mandated functions (e.g., country reviews, individual communications, follow-up, general comments, inquiries, etc).

Assessment of General Assembly Resolution 68/268

General Assembly Resolution 68/268 is the consensus outcome of a years-long intergovernmental process by UN Member States in New York. While imperfect, we consider that it continues to provide an appropriate framework that would allow the treaty bodies to function effectively if all stakeholders fulfill their respective obligations as set out within it. In particular, its provisions:

- address the key concerns raised by States during the intergovernmental process, while acknowledging the differing responsibilities and competencies of some of the principal stakeholders of the treaty body system;
- reflect States’ respect for the legal competence of the treaty bodies to establish their own working methods, by encouraging them to strengthen their efficiency and effectiveness while also allowing them to assess how best to achieve those objectives;
- affirm the need for States to comply with their reporting obligations to the treaty bodies and create a unique capacity-building program to that end; and
- create a formula that provides a working basis upon which to objectively calculate the meeting time and resources required for the treaty bodies to carry out their work.

Progress towards the implementation of Resolution 68/268

In the five years since the adoption of Resolution 68/268 in April 2014, treaty body members have made some progress in implementing the recommendations directed to them in Resolution 68/268. Among other measures, the treaty bodies have taken several steps to align their working methods and to develop an aligned methodology for concluding observations (OP6).¹ The June 2019 ‘Treaty Body

¹ HRI/MC/2014/2; §9

Chairpersons Position Paper on the Treaty Body Strengthening Process' further commits the treaty bodies to additional recommendations proposed by the resolution: offering the simplified reporting procedure to all states parties for initial and periodic reports, setting limits on the numbers of questions (OP1), developing an aligned methodology for constructive dialogues (OP5), and increasing predictability and coordination in the reporting process (OP34).²

Resolution 68/268 also outlines several important responsibilities of Member States, including improving the expertise and competence of membership (OP10), and, critically, providing adequate and predictable funding for the treaty body system. States have made some progress towards these goals, including, significantly, by providing resources for webcasting, which enhances the accessibility and visibility of the treaty body system (OP22).

However, since 2017, Member States have failed to implement their commitment to provide resources for the treaty bodies in line with the formula agreed to in Resolution 68/268 (OPs 26-28). This failure has deprived the treaty bodies of adequate resources to carry out their mandated activities for the past two years, hampering their ability to fulfill their mandates and undermining the effective functioning of the system. We are particularly alarmed at the negative impact that the current resource shortfall has had on the treaty bodies' ability to receive and consider an increased volume of individual communications, which has seriously undermined the utility of these procedures for victims. We are also alarmed that the present shortfall in resources is likely to be perpetuated further, as the Secretary-General's proposed program budget for 2020 does not request Member States to revisit their 2017 decision and to increase the treaty bodies' resources in line with the 68/268 formula.³

Conclusion

Our organizations seek a UN human rights treaty body system that effectively encourages all States parties to uphold their human rights obligations, that is accessible to rightsholders, and responsive to victims of human rights violations. Resolution 68/268 still provides an adequate framework in which Member States, acting through the UN General Assembly, can encourage and facilitate the effective operation of the treaty body system; however, it will only do so if all stakeholders fulfill the responsibilities that they agreed to. We therefore propose that:

- All stakeholders should **reaffirm their support for Resolution 68/268** and ensure that it is fully implemented in the coming years.
- Consistent with the 68/268 formula, **Member States must provide adequate resources for the treaty body system and should seek to ensure they adequately fund all aspects of the treaty bodies work**, including the budgetary support that has not been provided since 2017.
- While there are several areas where the treaty body system should be made more effective, **the committees themselves, not the General Assembly, are best placed to implement these changes.**

² <http://bit.ly/2ksTPZy>

³ UN Doc. A/74/6 (Sect. 24), p. 56

Endorsing Organizations

Amnesty International
International Movement Against All Forms of Discrimination and Racism (IMADR)
Centro de Derechos Humanos Miguel Agustín Pro Juárez
Promo-LEX
Validity Foundation - Mental Disability Advocacy Centre
MENA Rights Group
Human Rights Defenders Network-SL
Feminine Solidarity for Justice org
IDHEAS, Litigio Estratégico en Derechos Humanos. México
Together (Scottish Alliance for Children's Rights)
International Federation of Settlements and Neighborhood Centers
Aula Abierta
Geneva for Human Rights (GHR)
The Advocates for Human Rights
Namibia Diverse Women's Association
International Commission of Jurists
Human Rights in China
International Rehabilitation Council for Torture Victims (IRCT)
Shirkat Gah-Women's Resource Centre
TRIAL International
Columbia Law School Human Rights Institute
International Disability Alliance
OutRight Action International
COC Nederland
CHILD RIGHTS INTERNATIONAL NETWORK - CRIN
Center for Reproductive Rights
Human Rights Watch
CCPR Centre (member of TB-Net)
Child Rights Connect (member of TB-Net)
OMCT (member of TB-Net)
IWRAW Asia Pacific (member of TB-Net)
IDA (member of TB-Net)
IMADR (member of TB-Net)
GI ESCR (member of TB-Net)

ARTICLE 19
American Civil Liberties Union (ACLU)
Human Rights Law Centre (Australia)
CIVICUS: World Alliance for Citizen Participation
Cairo Institute for Human Rights Studies
International Service for Human Rights (ISHR)
Open Society Justice Initiative (OSJI)
Jacob Blaustein Institute for the Advancement of Human Rights (JBI)