



# STATEMENT TO THE 31<sup>ST</sup> MEETING OF THE CHAIRPERSONS OF THE HUMAN RIGHTS TREATY BODIES

As NGOs committed to ensuring the effectiveness of the UN human rights treaty bodies as mechanisms that strengthen the protection of human rights around the world, Amnesty International and the Jacob Blaustein Institute for the Advancement of Human Rights submit the following recommendations to the treaty body chairpersons concerning the anticipated review of the treaty body system at the United Nations General Assembly in 2020.

## ■ PROCESS AND OBJECTIVES OF THE 2020 REVIEW OF THE TREATY BODIES

It is crucial that the review of the treaty bodies in 2020 has different modalities than the intergovernmental process on the treaty bodies that culminated in the adoption of General Assembly resolution 68/268. Several major stakeholders – particularly rights-holders and their representatives, including NGOs and the treaty body experts themselves – were unable to observe or participate in the vast majority of discussions in this previous review of the treaty body system. In February 2019, we issued an [NGO call for an inclusive review process on treaty body strengthening](#) in 2020. This included the need for States to ensure:

- A review process that is open and transparent and allows for direct contributions by non-State stakeholders, and takes into account contributions by civil society, treaty body members, the Office of the High Commissioner for Human Rights, academics, national human rights institutions, practitioners and any other relevant stakeholders.
- An outcome of the review that:
  - aims as increased domestic implementation of the treaties, through increased reporting compliance and strengthened follow-up, for the benefit of rights-holders on the ground.
  - reflects respect for the independence of the treaty bodies and their prerogative and competence to establish their own working methods.
  - enhances the accessibility of the treaty bodies including through the use of new technologies and increases awareness of the treaty body system at the national level.
  - includes effective measures to prevent and combat intimidation and reprisals against those seeking to cooperate with the treaty bodies; and
  - provides the treaty bodies with sufficient regular funding and resources to carry out their functions.

We welcome and support the Secretary-General's recommendation in his second biennial report that "it is imperative to enhance the 2020 discussions in an open, transparent and inclusive manner." [UN Doc. A/73/309, para. 89.] **We urge the treaty body chairs to echo this call in order to avoid a repetition of the previous process in which civil society actors and treaty body experts were largely impeded from direct participation in the process.**

## ■ FUNDING THE TREATY BODY SYSTEM

The growth of the treaty body system, the increase in the number of States that have ratified the treaties, and the increased use that is being made of the treaty bodies' individual communication procedures are often characterized as major challenges for the system. These should, however, be seen as positive developments signaling States' commitment to promotion and protection of human rights at the national level, as well as rights-holders' belief in the effectiveness of the treaty bodies.

The treaty bodies are facing serious challenges related to resources, some of which are related to the growth of the treaty body system and others of which stem from UN-wide financial constraints. Amnesty International and the Jacob Blaustein Institute for the Advancement of Human Rights have coordinated and joined a number of initiatives related to these challenges, directed at both [UN member states](#) and the [UN Secretary-General](#). While the immediate resource crisis facing the treaty bodies in 2019 may have been averted, we are deeply worried that an across-the-board cut of 25% of the resources available for “travel of representatives” at the UN will continue to have a disproportional effect on the treaty bodies and other human rights expert bodies in 2020, and that as a result, the treaty bodies are poised to remain in financial crisis for the foreseeable future. These and other concerns related to the resources available for the treaty bodies to carry out their work have been raised in a [joint-submission to the third biennial report of the Secretary General](#).

It is essential that any discussion about treaty body strengthening address the resource concerns facing the treaty bodies. This includes ensuring adequate funding for the treaty bodies to assess individual and inter-State communications; carry out reviews of States’ periodic reports to the treaty bodies, including through the use of the simplified reporting procedure; prepare general comments and recommendations; to carry out follow-up and urgent action procedures; take action to combat intimidation and reprisals; and continue to develop effective working methods.

**We have called on the UN Secretary-General to request that the General Assembly provide sufficient funding for all functions of the treaty bodies, and we urge the treaty body Chairpersons to raise concerns about resources with the UN Secretary-General and UN Member States. Without adequate funding, any claim by the General Assembly to have ensured the effective functioning of the human rights treaty body system will ring hollow.**

#### ■ WORKING METHODS AND INTER-COMMITTEE COORDINATION

The treaty bodies’ legal prerogative to establish their own rules of procedure and working methods is essential to their effective functioning and their independence. We strongly consider that the treaty bodies themselves are best placed to tackle many of the challenges facing them. As stated in previous submissions to the Chairpersons meeting, we believe that differences in working methods, where not required due to the specificity of the treaty, may make it more difficult for NGOs and rights-holders to navigate the treaty body system (see [Submission to the 30th meeting of Chairs of the human rights treaty bodies](#)). That said, we believe that the treaty bodies have taken significant steps to align their working methods considerably, as evidenced in last year’s working paper [Identifying progress achieved in aligning the working methods and practices of the treaty bodies \(HRI/MC/2018/3\)](#).

In order for the treaty bodies to be able to coordinate their work and ensure procedural and jurisprudential coherence, a forum for such discussions needs to be created. Initiatives to identify more effective ways of working should be guided by appropriate cross-committee coordination and mutual reinforcement of States’ human rights obligations, building on the interdependence and indivisibility of rights, and should not be characterized as an effort to reduce ‘duplication’. We encourage the Chairpersons to use the forum of their annual meeting to discuss ideas for cross-committee coordination, including through the use of videoconferencing, to enhance the system’s procedural and substantive coherence. **We urge the Chairs to think creatively about how the treaty bodies can pilot and test new changes to their working methods, and evaluate the practical impact of such changes, particularly in the current financial climate.**

#### ■ OTHER ISSUES RELATED TO THE 2020 REVIEW

We have a strong interest in a treaty body system that effectively increases human rights protection and provides effective remedies for victims. While we would strongly welcome a coordinated calendar of treaty body reviews, such a calendar should not limit each treaty body’s prerogative to review all issues that are relevant to its specific legal framework. In other words, coordinated reviews of a State by multiple treaty bodies should not limit the mutual reinforcement of rights between treaties nor their intersectionality. **We urge all stakeholders to keep this objective in focus during the review.**

We also urge all stakeholders to consider ways that the treaty bodies can be made more accessible and visible to rights-holders. **We would welcome:**

- Greater predictability of reviews, including reviews in the absence of a report, when States fail to comply with their reporting obligations;
- A joint reporting calendar coordinated across all treaty bodies; and
- The identification by the treaty bodies of criteria for when a situation may merit a request for a special report and an enhanced follow-up procedure in-between reviews.

The individual communications mandate is often described as the next ‘looming crisis’ of the treaty body system. **We encourage the Chairpersons and OHCHR to discuss case management systems that can address issues related to individual communications and facilitate greater access to information for both the petitioners and the States concerned; and to consider the experience of regional systems when doing so. We also encourage the Chairpersons to:**

- Consider aligning the treaty bodies’ working methods in relation to individual communications where appropriate;
- Consider developing different procedures for individual communications depending on whether they relate to established jurisprudence or emerging jurisprudence;
- Consider adopting views on individual communications in chambers where appropriate, taking into consideration the type of case and size of the Committee concerned;
- Call for the creation of an online submission portal and a case management system where individual communications can be tracked by the concerned parties; and
- Publicize treaty body jurisprudence to a greater degree, including at the national level.