



Oral statement: Informal consultation with representatives of the civil society, National Human Rights Institutions and all other relevant stakeholders the process of the consideration of the state of the UN human rights treaty body system

28 August 2020

Thank you Chair,

I am delivering this statement on behalf of the International Movement Against All Forms of Discrimination and Racism (IMADR) and TB-Net – NGO Network on UN Treaty Bodies. We thank the co-facilitators for organising this consultation with stakeholders. Given the civil society’s significant contributions to the treaty body system, it is imperative that civil society organisations participate in this discussion. This statement focuses on the issue of preserving and strengthening the independence and impartiality of treaty body members, ensuring diversity and the participation of persons with disabilities.

Open and participatory nominations and elections processes are key to promote quality, independent and diverse membership. In this regard, we have led various initiatives and discussions in both Geneva¹ and New York². TB-Net and its partners have been working to increase transparency in election processes by circulating a questionnaire to candidates to the UN treaty bodies (UNTBs).³ Current travel restrictions caused by the COVID-19 pandemic have clearly shown the need to enhance the access to online information about candidates, as proposed by some States.

In a roundtable discussion we organised in 2018,⁴ there was a general agreement among State representatives from all regions that a more formalised and transparent process for nomination of treaty body members is desirable, and would lead to strong pools of quality, independent and diverse candidates.

¹ EVENT REPORT: “Promoting Quality, Independence and Diversity in Treaty Body Membership”, 2 November 2017, https://www.facebook.com/notes/tb-net/event-report-promoting-quality-independence-and-diversity-in-treaty-body-members/2017859365128158/?_tn=HH-R

² Promoting quality, independence and diversity in Treaty Body membership: Introducing the civil society questionnaire to candidates, 1 June 2018, <http://webtv.un.org/search/promoting-quality-independence-and-diversity-in-treaty-body-membership-introducing-the-civil-society-questionnaire-to-candidates/5792569288001/?term=membership%20treaty&sort=date>

³ <http://www.untbelections.org/>

⁴ Summary Report – “TB-NET Event on Treaty Body Elections”, <https://www.facebook.com/notes/tb-net/summary-report-tb-net-event-on-treaty-body-elections/2267479453499480/>

This endorses the recommendation in the third biennial report of UN Secretary General.⁵ Multi-stakeholder cooperation among States, civil society, the OHCHR and the UNTBs is crucial in such processes.

Against this backdrop, States should:

- Organise open, participatory, transparent and structured national nomination processes to ensure public scrutiny of the candidates prior to their nomination;
- Ensure in both nominations and elections that the candidates are persons of high moral standing, have recognised competence and experience in the human rights field covered by the relevant treaty, and are independent;
- Give consideration to equitable geographic distribution, balanced gender representation, and a diversity of backgrounds and experiences; and
- Seek assistance from the UNTBs in identifying the most appropriate candidate by asking the key requirements for treaty body membership before every election, and by taking into account the current composition of the concerned treaty body and its outgoing members as well as the current and potential gaps in expertise, geographical representation and gender balance.

We welcome that a number of States made similar recommendations in their submissions to the co-facilitators.⁶ Term limits for re-elections proposed by several States can also contribute to the strengthening of the UNTBs.

Last but not least, States must respect the formula established by the GA Resolution 68/268 to ensure that the treaty body system receives sufficient funding to fully implement its mandate. We also support the UNTBs to adopt a fixed and co-ordinated calendar of State reviews to ensure regular, predictable and universal State reporting. We strongly encourage the co-facilitators to incorporate these recommendations in their forthcoming report.

Thank you.

⁵ A/74/643, paragraph 71

⁶ <https://www.ohchr.org/EN/HRBodies/HRTD/Pages/Co-Facilitation-Process.aspx>