



## Joint Civil Society Submission

### UN Secretary General's Report on the Status of the Human Rights Treaty Body System

28 January, 2022

#### 1. Introduction

This is a joint submission prepared by TB-Net<sup>1</sup> (NGO Network on UN Treaty Bodies), Amnesty International and the International Service for Human Rights. We express our appreciation to the Office of the UN High Commissioner for Human Rights (OHCHR) for inviting all stakeholders to share views on the status of the UN human rights treaty body system for the UN Secretary-General's report to the General Assembly.

#### 2. Importance of the Treaty Body System

As the independent expert mechanisms mandated with monitoring the implementation of the 10 international human rights treaties, the UN treaty bodies (UNTBs) are a fundamental part of an effective human rights system. Unlike other human rights bodies with a monitoring role, such as the Human Rights Council and its Universal Periodic Review (UPR) mechanism, the UNTBs are legally established, independent from States and are composed of human rights experts. Their mandates and independence are a vital element of human rights monitoring and accountability at the international and national levels.

All stakeholders have a role to play in ensuring a strong and effective UNTB system. We actively participated in the 2020 treaty body review process led by the co-facilitators, Morocco and Switzerland, including in the joint NGO contributions<sup>2</sup> and the joint response<sup>3</sup> to the outcome report. The key role of States is to comply with their treaty obligations and report periodically to the relevant UNTBs and to provide the necessary funding for the effective functioning of the UNTB system. The role of the UNTBs is to monitor States compliance with the respective treaty and to establish their working methods that will enable them to effectively discharge their mandates. **The independence of the UNTBs to carry out these functions must be ensured, States should provide them with the space, support and necessary funding.**

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<sup>1</sup> TB-Net is comprised of: the Centre for Civil and Political Rights (CCPR Centre); Child Rights Connect; the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR); the International Disability Alliance (IDA); the International Movement Against All Forms of Discrimination and Racism (IMADR); International Women's Rights Action Watch Asia Pacific (IWRAP-Asia Pacific); and the World Organisation Against Torture (OMCT).

<sup>2</sup> Amnesty International et al (2020), *Joint NGO submission to the co-facilitators of the General Assembly review of resolution 68/268 on the human rights treaty body system*, available at: <https://www.amnesty.org/en/documents/ior40/2685/2020/en/>

<sup>3</sup> Amnesty International et al (2020), *The ongoing business of strengthening the UN human rights treaty bodies*, available at: <https://www.amnesty.org/en/documents/ior40/3319/2020/en/>

### 3. COVID-19 Pandemic and the Treaty Body System

We appreciate efforts made by the UNTBs, the OHCHR and the United Nations Office at Geneva (UNOG) to ensure the partial continuation of the UNTBs' work, despite technical and logistical challenges posed by the COVID-19 pandemic. We also welcome the fact that webcasting of public meetings is now available in more than two UN official languages, an important progress in increasing the accessibility and visibility of the UNTBs' work.

Online reviews of States parties piloted by all UNTBs with opportunities for civil society organisations (CSOs) to engage with the respective Committees were a significant step forward in their use of information and communication technology and as the interim method to close the protection gap in the absence of in-person reviews. **The UNTBs should build on these promising practises to strengthen and expand their engagement with State delegations and civil society by allowing hybrid participation.** At the same time, there were different modalities of online State party reviews adopted by the UNTBs including the format of civil society engagement.

It was a positive development that the UNTBs were able to hold in-person sessions between September and December 2021 where Committee members had full day meetings during the sessions in Geneva without time difference constraints and with fewer technical challenges. However, civil society engagement with the UNTBs, except for the Committee against Torture (CAT), was restricted to an online format, as opposed to State delegations. There was a lack of clarity in the decision making to have different arrangements for each stakeholders' engagement. **We consider that it is essential for all stakeholders to be treated in an equal manner, taking into account their varying needs and challenges as well as sanitary requirements of the host country.** This includes accessibility and safe working conditions in UN premises, and reasonable accommodation for persons with disabilities.

While we acknowledge the difficulty in planning future sessions during the pandemic, especially given the worsening COVID-19 situation both in Geneva and globally, advanced scheduling of sessions, particularly States party reviews, allows CSOs to ensure the quality of their engagement with the UNTBs such as the preparation of alternative reports and other written contributions, oral inputs, as well as follow-up actions for the implementation of recommendations. As of January 2022, only four UNTBs<sup>4</sup> have published the schedules of all sessions for the year. Communications from the OHCHR, particularly its website, must ensure clear, timely and predictable information on upcoming State party reviews and other activities of the UNTBs.

We recommend that when decisions are taken in relation to future sessions including their modalities, the UNTBs, the OHCHR and the UNOG ensure that:

- **Recommendations from CSOs are taken into account in decisions on modalities;**

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<sup>4</sup> Committee on the Elimination of Racial Discrimination (CERD), Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Rights of the Child (CRC) and the Committee on the Rights of Persons with Disabilities (CRPD).

- **Full, meaningful and safe civil society engagement is enabled, with flexibility, inclusivity, and accessibility and reasonable accommodation for participants with disabilities, including the possibility to engage remotely via online communication tools as an option;**
- **Decisions are immediately and widely communicated with sufficient anticipation; and**
- **Information on any modification of future sessions is shared, accompanied by the explanation of the rationale for the decision, in a timely manner to allow transparency and predictability of the process.**

#### **4. Petitions**

We are deeply concerned by the fact that the OHCHR Petitions and Urgent Action Section continues to be under-resourced, leaving the massive backlogs unaddressed. We welcome the Secretary-General's proposal to develop a case management system<sup>5</sup>, which was echoed in the report of the co-facilitators of the 2020 treaty body review<sup>6</sup>. **We reiterate our calls to States to adequately fund and support this crucial function of the UNTBs to reduce the backlog and avoid the human rights protection gap. In particular, we call on States to support the swift development of a case management system.**

#### **5. Quality, Independent and Diverse Treaty Body Membership**

General Assembly resolution 68/268 encourages States parties to give due consideration to equitable geographical distribution, the representation of the different forms of civilization and the principal legal systems, balanced gender representation and the participation of experts with disabilities, when they elect members of the UNTBs. However, the Secretary-General's report<sup>7</sup> submitted in August 2021 documented the continuing lack of geographical and gender balance in the UNTBs, and reiterated the recommendation to States to establish national competitive selection processes for the nomination of Committee experts and/or other independent vetting processes, and avoid "clean slates"<sup>8</sup>. Moreover, we appreciate the fact that 110 States have received the recommendation to "[a]dopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections" between the 27th and the 39th UPR sessions, and that 81 of these States supported the recommendation<sup>9</sup>. **We urge States to implement the recommendations by establishing a transparent and merit-based nomination process and to cooperate with civil society, the OHCHR and the UNTBs in such processes, and to share good practises that can be consolidated on the OHCHR website.**

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<sup>5</sup> A/74/643, paragraph 69

<sup>6</sup> A/75/601, paragraph 22

<sup>7</sup> A/76/262

<sup>8</sup> Ibid, paragraph 28

<sup>9</sup> Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belize, Benin, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Chad, Chile, Costa Rica, Croatia, Cyprus, Denmark, Djibouti, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Georgia, Ghana, Grenada, Guinea Bissau, Honduras, India, Indonesia, Italy, Jamaica, Japan, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Nauru, Nepal, New Zealand, Niger, North Macedonia, Panama, Poland, Qatar, Republic of Korea, Republic of the Congo, Saint Kitts and Nevis, Saint Lucia, San Marino, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Tunisia, Tuvalu