



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

February 4, 2016

OHCHR REGISTRY

Office of the UN High Commissioner
for Human Rights
Geneva, Switzerland

05 FEB 2016

Recipients : *HRTD*.....
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Dear Office of the UN High Commissioner for Human Rights:

Thank you for your letter dated November 6, 2015, requesting that Member States comment regarding the human rights treaty body system, as follow up to UN General Assembly Resolution A/68/268. The United States government provides the following information in response to your request:

a) Comments by States on the implementation of General Assembly resolution 68/268 in general

The United States believes that the human rights treaty bodies play a critical role in assisting States as they implement their obligations under human rights treaties to which they are a party, as well as by providing a degree of transparency and accountability in this regard.

The United States was pleased to join consensus on UNGA Resolution 68/268, which it views as a positive step toward improvement of the functioning of the human rights treaty bodies. At the same time, achieving the goals of the resolution will require sustained and creative efforts from a range of stakeholders.

We were very pleased that Resolution 68/268 underscored the importance of the independence of the human rights treaty bodies, and condemned “all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies.”

We also welcome the resolution’s provisions that will enhance the cost-effective functioning of the human rights treaty body system, including with respect to aligning and streamlining the human rights treaty bodies’ working methods, consistent with their independence. With due respect for their independence, we are pleased to note that several human rights treaty bodies have made or considered changes to their working methods to improve efficiency and standardization among the various bodies.

b) Information on any action taken to follow-up on and/or implement the following provisions of General Assembly resolution 68/268, which are specifically addressed to States

10. Encourages States parties to continue their efforts to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular in the field covered by the relevant treaty, and, as appropriate, to consider adopting national policies or processes with respect to the nomination of experts as candidates for human rights treaty bodies

The United States has nominated experts for two human rights treaty bodies since the adoption of Resolution 68/268, namely the Committee on the Elimination of Racial Discrimination (CERD Committee) and the Committee Against Torture (CAT Committee).

For the CERD Committee, once we were informed that the U.S. national serving on the Committee, Carlos Vasquez, had opted not to seek another term starting in 2016, the United States underwent a wide-ranging and rigorous search process for a new nominee. We conducted broad solicitation efforts among prominent experts and academics in the fields of international human rights and racial discrimination. After closely considering several serious candidates, the United States nominated Gay McDougall, who had previously served on the CERD Committee and had also served as the first Special Rapporteur on Minority Issues.

For the CAT Committee elections in 2015, the United States decided to nominate the incumbent U.S. expert, Felice Gaer, to serve another term on the Committee after evaluating other potential candidates. Ms. Gaer was the only incumbent Committee member standing for re-election in 2015.

In both of these 2015 human rights treaty body elections, the U.S. nominee was elected, and ranked in the top half of the candidates by total votes. The United States is committed to nominating experts of the highest moral standing and expertise in the field covered by the relevant human rights treaty, and has adopted practices and procedures in support of that commitment.

13. Encourages States parties, in the election of treaty body experts, to give due consideration, as stipulated in the relevant human rights instruments, 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 in the membership of the human rights treaty bodies

The United States supports the election of candidates based on merit, qualifications, and competence. Qualified candidates should have technical experience and expertise in the area of the treaty body's focus. The U.S. encourages outreach strategies to publicize these opportunities to members of underrepresented groups.

7. Recommends the more efficient and effective use of the meetings of States parties, inter alia, by proposing and organizing discussions on matters related to the implementation of each treaty

The U.S. Mission in Geneva has regularly and actively participated in briefings for states parties by those treaty bodies to which we report.

8. Strongly condemns all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urges States to take all appropriate action, consistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and all other relevant human rights instruments, to prevent and eliminate such human rights violations

The United States is not aware of any acts of reprisal against any individuals or organizations within the United States based on their contribution to the work of the human rights treaty bodies. To the contrary, the United States actively supports our vibrant civil society community and believes their contributions to the work of the human rights treaty bodies are vital and essential. The United States conducts broadly-attended civil society consultations for every treaty body reporting cycle in order to receive their information and views, and to provide feedback on issues raised by participants. Most recently, the United States hosted a civil society consultation on U.S. efforts to implement its obligations under the First and Second Optional Protocols to the Convention on the Rights of the Child in November 2015 in Washington DC.

At the same time, the United States supports the efforts of the treaty bodies to address the issue of reprisals in line with the spirit of paragraph 8 of Resolution 68/168, and notes with appreciation the elaboration of the San Jose Guidelines against Intimidation or Reprisals. It is certainly within the mandate of every treaty body to request information from a State, and to refer to other relevant institutions appropriate information related to alleged acts of reprisal against individuals or organizations for providing that treaty body with information relevant to its mandate.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Hamamoto", with a long horizontal flourish extending to the right.

Pamela K. Hamamoto
Ambassador