**Workshop on Regional Arrangements for the promotion and protection of human rights**

**Panel 2: Procedural aspects of cooperation between the UN, RHRMs, CSOs and HRDs**

**Presentation Birgit Van Hout**

**Human Rights Treaties Branch**

**OHCHR**

Excellencies,

Distinguished experts of the United Nations, regional and sub-regional human rights mechanisms,

Members of national human rights institutions, representatives of civil society, delegates, ladies and gentlemen,

The treaty bodies have a long history of cooperation with regional mechanisms, national human rights institutions and civil society organizations.

**Cooperation with regional mechanisms**

Starting with regional organizations, the treaty body Chairs have repeatedly underscored the complementarity of the treaty body system with the regional mechanisms. They have held substantive discussions with regional mechanisms in the Americas, in Africa and in Europe during annual meetings in these regions and they plan to do the same in the other regions. In Brussels, in 2010 (A/65/190), in Addis Ababa, in 2012 (A/67/222), and in San José, in 2015 (A/70/302), the Chairs have put forward a series of proposals to enhance cooperation. I would like to give a few examples of what these roadmaps include.

At the meeting in Brussels, for example, in the area of treaty ratification, the Chairs welcomed the European Union becoming party to the Convention on the Rights of Persons with Disabilities and encouraged the European Union to play an active role in encouraging its members to ratify all 9 human rights treaties and 9 optional protocols. The treaty body Chairs further encouraged the European Union to integrate treaty body recommendations in European Union policies, whether internal or external related to development, trade and aid.

At the meeting in Addis Ababa, the treaty body Chairs and representatives of regional mechanisms decided to participate in each other’s thematic discussions. They also agreed that Secretariat staff exchanges would benefit both systems but regrettably this proposal has not yet been implemented due primarily to resource constraints.

At the meeting in San José, and the follow-up discussion which took place in New York this year, the treaty body Chairs and the regional mechanisms highlighted the need to learn from each other’s working methods, e.g. use of friendly settlements for individual complaints by the Inter-American system. Both systems emphasized the need to consider each other’s jurisprudence to avoid the fragmentation of international law and to maximize the impact of decisions.

Probably it is in the area of individual communications that the cooperation between the treaty bodies and the regional mechanisms is most intense. OHCHR regularly contacts the registries of regional mechanisms to check whether the same case is pending there or has been decided. When adopting decisions and views, treaty bodies also make cross-references to the jurisprudence of regional mechanisms. There has even been a staff exchange with the European Court on Human Rights.

The treaty body system and the regional mechanisms also face some similar challenges, such as gender imbalances in the bodies’ membership, a rapidly growing backlog in individual communications received, and late or non-reporting by some States parties. Exchanging information on solutions to these challenges that may have been found in one or the other system, or good practices, is therefore important.

In 2015, OHCHR has set up a treaty body capacity-building programme to address States’ capacity gaps in the area of reporting, which has sparked a lot of interest among States. The trainings carried out under this programme consider reporting in a holistic manner and take into account the fact that States do not only have an obligation to report to treaty bodies, but also to regional mechanisms and the Universal Periodic Review. Since the start of the programme, 177 State officials from 5 sub-regions have been trained. In these trainings, the Office has benefited from the presence of regional organizations: in the workshop for East Asia, by the presence of ASEAN, and in the workshop for the Middle East and North Africa, by the presence of the League of Arab States and the Arab Charter Committee.

**Cooperation with national human rights institutions**

Now, I would like to move to the cooperation of treaty bodies with national human rights institutions. All treaty bodies regularly invite national human rights institutions and the representative of the Global Alliance of National Human Rights Institutions to submit information to the treaty bodies and attend their sessions. In addition, the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women frequently also engage with specialized institutions such as children’s ombudsmen or gender bodies.

Over 50 national human rights institutions have actively participated in State party reviews, whether by submitting parallel reports, stimulating debate at national level, briefing treaty bodies prior to the constructive dialogue, or independently monitoring how States are implementing treaty body recommendations.

Although not yet formalized as a standard practice, the treaty bodies are increasingly using new technologies such as video conferencing to be briefed by national human rights institutions when these cannot travel to Geneva for the State party review.

Most treaty bodies have explicitly recognised the importance of participation by NHRIs in treaty body work and formalized their participation by adopting various documents (general comments, information notes, rules of procedure, or working methods).

At their most recent meeting in June 2016, the treaty body Chairs held a dialogue with the Chair of GANHRI (Beate Rudolf) on the positive engagement of national human rights institutions with the treaty bodies. A survey conducted among national human rights institutions, also brought to bear the need to harmonize the working methods of the treaty bodies to facilitate access to and engagement with national human rights institutions. As a result, the treaty body Chairs have decided to develop a common treaty body approach to engaging national human rights institutions at their next meeting in 2017.

The Human Rights Council acknowledged this development at its most recent session (33) and encouraged he human rights treaty bodies in their effort to develop a common treaty body approach to engaging national human rights institutions at all relevant stages of treaty body work.

**Cooperation with civil society**

Now, let me move to treaty body interaction with civil society. All treaty bodies have developed procedures for interaction with civil society organizations. Some treaties, such as the Convention on the Rights of the child, the International Convention on the Rights of Migrant Workers, or the Convention on the Rights of Persons with Disabilities, expressly provide for a role for civil society organizations in the work of the treaty body. The Committee on the Rights of the Child even provides for child participation in its work.

With respect to the State party review, there are several entry points for civil society and national human rights institutions in what we call the reporting cycle. Civil society can provide information and analysis at several stages of this cycle, for example before the list of questions / issues is sent to States or before the constructive dialogue. Receiving information from civil society helps the treaty body members get a more detailed understanding of the human rights situation in the country so that they can base their findings on multiple sources, not just the State’s own evaluation of how it is doing.

There are numerous examples of organizations that contribute on a continuous basis to the treaty bodies, for example, the World Organizations against Torture or the Association for the Prevention of Torture to the work of the Committee against Torture, the Civil and Political Rights Centre to the Human Rights Committee, or the International Disability Alliance to the work of the Committee on the Rights of Persons with Disabilities.

While some treaty bodies, like the Committee on the Elimination of Discrimination against Women receive a wealth of contributions from civil society sometimes through NGO coalitions, and other partners, like UN entities, others, like the Committee on Economic, Social and Cultural Rights, regrettably receive rather little.

At national level, civil society plays a key role in disseminating the concluding observations of the treaty bodies and frequently treaty body recommendations constitute key advocacy points for civil society actors.

Civil society organizations also contribute to treaty body’s thematic discussions and general comments. Here, I would like to mention the recent support provided by Terre des Hommes and Child Rights Connect to the general day of discussion held by the Committee on the Rights of the Child on Children and the Environment.

Civil society organizations may also engage in inquiry procedures regarding serious, grave or systematic violations of the treaties in a State party.

Civil society support for the independent expertise of the treaty bodies is such that for years NGOs organized the webcasting of public meetings of the treaty bodies. Recently, thanks to a pilot project funded by the EU, the UN has been able to launch its own webcasting of treaty body session. Since State reporting to the treaty body sessions is not a goal in itself, but a means to advance the human rights situation on the ground, the impact of webcasting cannot be underestimated. Witnessing international scrutiny of a State’s human rights record sensitizes right-holders, encourages a national dialogue around human rights concerns, and builds pressure for change. The treaty bodies therefore hope that the General Assembly will make good on its decision to fund webcasting from the regular budget when the pilot webcasting project ends in June 2017.

Civil society actors are also agents of institutional change. Like States and national human rights institutions, civil society has been at the forefront of calling on the 10 treaty bodies to harmonize their working methods and rules of procedure to facilitate access to the system for all stakeholders. Civil society has also called on States and the United Nations to ensure all treaty bodies become accessible to persons with disabilities whether in the composition of the membership of treaty bodies or in the provision of sign language and closed captioning, a service that is currently only reserved only for the Committee on the Rights of Persons with Disabilities. The GQUAL campaign, an NGO initiative to advance women’s representation in international bodies, has organized a side event for CEDAW with very practical suggestions on what role this body could play in ensuring gender parity in appointments to international bodies.

Now, several treaty bodies have publicly expressed their concern over intimidation and reprisals against individuals and groups cooperating with them. They have pointed out that several treaties contain explicit provisions spelling out States parties’ responsibility to ensure that individuals under their jurisdiction are not subjected to any form of ill-treatment as a consequence of communicating with the treaty body.

In 2015, the treaty body Chairs endorsed the San José Guidelines against intimidation and reprisals and recommended them for adoption to all treaty bodies. The main objective of this initiative was to harmonize treaty body practices and bring coherence in the treaty bodies’ responses to reprisals, thereby making the treaty body system more streamlined and effective. To date, eight of the ten treaty bodies have already adopted the San José Guidelines and all ten treaty bodies have appointed rapporteurs on reprisals.

I would like to close by saying that the treaty body system’s engagement with regional mechanisms, national human rights institutions and civil society is not a static matter but constantly evolving and that cooperation is deepening year-by-year. The General Assembly has decided to consider the state of the human rights treaty body system in 2020 and, if appropriate, to take further action to enhance the effective functioning of the treaty body system. The 2020 review provides a unique opportunity to reflect on the synergies among the international human rights mechanisms, treaty bodies, special procedures and the Human Rights Council, and to optimize the linkages between the international and regional protection systems. In this context, the treaty body Chairs have welcomed all initiatives that seek to collect innovative ideas to further strengthen the system, including for the engagement of the treaty bodies with different stakeholders, with a view to increasing human rights protection where it matters most - for right-holders on the ground.