

**Written contributions of Iceland for the**

**2020 review of the UN human rights treaty body system**

*7 July 2020*

Iceland thanks the co-facilitators, Permanent Representatives of Switzerland and Morocco to the United Nations, for taking on this important work on the review of the human rights treaty body system. We welcome the invitation to provide written contributions regarding the review process of the United Nations human rights treaty body system. Regarding the conduct of our consultations, your proposed way forward is sensible from our perspective. We also would wish to avoid a lengthy intergovernmental process but encourage transparency and inclusiveness – And to leverage the different strengths that delegations in Geneva and New York bring to the process.

Iceland strongly supports the work of the treaty bodies, a key component of the wider UN human rights framework. Having a strong, independent and effective treaty body system is essential to the promotion and protection of human rights worldwide and to ensure the implementation of human rights obligations undertaken by states.

Iceland had the pleasure of co-facilitating from 2012 to 2014 the process of the elaboration of resolution 68/268 in partnership with Indonesia first and Tunisia later. This was the first time the General Assembly came together and addressed the treaty bodies in such a comprehensive way. Many of the issues raised regarding the treaty bodies are already addressed in resolution 68/268 and a lot of work was undertaken to systematically examine their work in the previous process.

Iceland looks forward to participate fully and constructively in the review process, both in New York and in Geneva, and to support proposals that will help to further strengthen the treaty bodies, the implementation of 68/268, with the aim to make the system as a whole more effective, accessible, and sustainable. Guided by your outline and questions put forward in a letter on 17 June we have the following input to the review.

**Implementation of UNGA resolution 68/268**

We wish to reiterate our strong support for GA resolution 68/268 and the improvements introduced the resolution to strengthen the efficiency and effectiveness of the system.

Since its adoption in April 2014, a number of positive changes have been implemented. It is worth to mention the steps the treaty bodies have taken to align their working methods as well as the increased use of simplified reporting procedure for States parties. Another positive step has been the introduction of webcasting, which has helped to increase the visibility and accessibility of the treaty bodies, as well as the management of the Secretariat of meeting time across the committees.

Unfortunately, implementation has been slow on some issues and inconsistent on others. Iceland believes that concrete improvement can be done without needing to change the existing treaties. Responsibility for this lies with Member States, the Secretariat and the Treaty Bodies to support the further implementation of resolution 68/268.

We therefore underline the imperative of the full implementation of resolution 68/268.

**Harmonization of working methods**

Iceland commends the treaty bodies for having made positive efforts to harmonize their working methods but emphasizes that more can be done to fully implement resolution 68/268 in this regard as practices at the different committees continue to alter without having to do so. By introducing more streamlined and coherent working methods, the system could be further strengthened where needed. In this regard we welcome some of the achievements made by the treaty bodies, especially the recent decision of the Human Rights Committee to move in 2020 to a predictable review cycle, to shift from an opt-in model of simplified reporting procedure to an opt-out model and to align its working methods and the lists of issues it produces with other treaty bodies.

Different working methods make the engagement of all stakeholders with the treaty bodies, unnecessarily difficult and we reiterate that with an implementation of standard processes and practices, a system could be achieved that would provide, inter alia, greater efficiency and predictability.

In that regard, we would like to mention the position paper on the future of the treaty body system provided by the treaty body chairpersons. We believe the paper could serve as a good start to achieve the aforementioned goal, by, for example, the treaty bodies following the same aligned methodology in their concluding observations in order to ensure that they are short, focused, concrete and prioritized, as well as to offer simplified reporting to all States parties. More can also be done in order to avoid unnecessary duplication across the different Committees, including through increased coordination, also with regards to a list of issues prior to reporting, and further implementation of the different guidelines that have been adopted by the meeting of Chairpersons. Finally, the meeting of the chairpersons could be strengthened further as a means of coordination among the treaty bodies.

**Membership**

Iceland emphasizes that the effectiveness of the human rights treaty body system is founded on the committee‘s membership. Independence, competence and impartiality of the members is crucial for the effectiveness of the system. There is a need to implement the Addis Ababa guidelines in a uniform way across the Committees. This was also a clear request by State parties in resolution 68/268 and we do not see why this is still an open question six years later.

We would also support increased focus on the processes to elect the members of the human rights treaty bodies with the aim to ensure the greatest level of expertise and independence in all treaty bodies. The idea for an official candidate platform, similar to what TB net now currently runs (www.untbelections.org), would go a long way to increase transparency and also allow those that don’t have the means to run an extensive campaign in New York or Geneva the opportunity to present themselves as candidates.

**Communication function of the human rights treaty body system**

The backlog of individual communications has increased over the last years, and the communication function of the treaty bodies is in need of additional measures. It is increasingly clear that the capacity of the system to receive and process the amount that is currently being received, let alone the projected increase in the coming years, is severely limited for a number of reasons. Moreover, a number of new communication procedures have come into force or started to receive increased communication since the last review process and therefore would warrant increased focus that was not provided in the process leading to resolution 68/268.

We would argue that while for many of the issues raised by stakeholders we already have proclaimed ourselves as a GA on those issues and we therefore should discuss their implementation, the challenges to their implementation and how to address them. However, when it comes to individual communications, we would require a more radical thinking and discuss the fundamentals underpinning communications.

This would mean looking at the process of communications from beginning to end and ask tough questions about the sustainability of the treaty body system if we would expect each communication to be considered and dealt with. We might have to consider admissibility questions and the role of the Secretariat in the initial review of a communication. We might even have to ask if pilot cases/thematic cases could be selected by the treaty bodies and used to provide guidance to state parties. Subsequent communications could then be referred to those cases as guidance, as to both provide immediate relief to the petitioner instead of the years they currently wait, as well as to avoid an ever-growing backlog that will simply block the treaty bodies from effectively functioning.

We would therefore encourage the facilitators to request a dedicated report or an informal paper to be prepared by the Secretariat with the treaty bodies, that would focus on the different aspect of the process of individual communications as outlined above.

**Predictable review cycle/calendar**

Special attention needs to be given to the reporting calendar, which should foresee that the reporting obligations for each state under each of the treaties are spread evenly. With a coordinated and fixed calendar among the treaty bodies, that would also take into account the review of the States under the UPR, could provide greater predictability. This would also enable States to better engage with the treaty bodies, and further encourage State compliance with reporting requirements and enhance coordination among treaty bodies themselves. Finally, this would possibly have a significant positive impact on the human rights in state parties as it would ensure a consistent follow up by the UPR and the treaty bodies as a system to recommendations made.

In this regard it needs to be understood that reviews should take place as scheduled whether or not a report has been submitted, as proposed made by the Treaty Body Chairpersons. This will serve to ensure the regularity of reviews as provided for in the treaties.

We are therefore, as mentioned above, very supportive of recent efforts by the Human Rights Committee to move in 2020 to a predictable review calendar on a longer cycle. We believe it demonstrates that all the fundamentals for such a predictable calendar were put in place with resolution 68/268 and would encourage the other treaty bodies to set up a similar calendar and periodicity, in coordination with the other treaty bodies and state parties.