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**WRITTEN SUBMISSION**

**I.R.O.**

**THE HUMAN RIGHTS TREATY BODY REVIEW PROCESS**

 **NEW YORK, 6 JULY 2020**

1. The human rights treaty bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx). Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty.
2. In the light of all the information available, the relevant treaty body examines the report in the presence of a State party’s delegation. The actual review is often rushed and time is too limited, which takes away some of the constructiveness of the process. Based on this dialogue, the Committee publishes its concerns and recommendations, referred to as “concluding observations”.
3. Six of the Committees can, under certain conditions, receive [petitions from individuals](http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx). Any individual who claims that her or his rights under the treaty have been violated by a State party to that treaty may bring a communication before the relevant committee, provided that the State has recognized the competence of the committee to receive such complaints and that domestic remedies have been exhausted. Namibia has not acceded to any individual complaints mechanisms and will proceed to exhaust all domestic remedies to address the grievances brought against the State.
4. The reporting obligations, especially for Small Islands and Developing States (SIDS) can be very cumbersome and often result in non- or late reporting. As a result of this, many transgressions of the treaty provisions go unnoticed where it could have served as an early warning mechanism in the prevention of human rights abuses and violations. This should be taken into account when the role and the value of the treaty bodies is considered.
5. The simplified reporting system has contributed significantly to the easing of pressure on States in that it streamlines the reporting process and focusses on certain identified areas of concern.
6. Most committees allocate specific plenary time to hearing submissions from CSOs and UN entities. Whilst Namibia encourages this practice, we also propose that this engagement be revisited to make room for a more inter-active and engaging dialogue in the presence of the State party under review.
7. The statements issued over the past couple of years by States parties, members of human rights treaty bodies and civil society organisations on the treaty body system reform commonly agree on a series of deficiencies that include lack of capacity to deal with country reports on time (concerning both the backlog of treaty monitoring bodies and the burden for States parties to produce reports); lack of compliance to the treaties due to non-reporting or late reporting; reduced quality of reviews; limited follow-up; and insufficient staff resources and meeting time.
8. The timely preparation of outstanding country reports in terms of the UN Treaty Body System often places enormous burden on scarce human resources, especially in the case of developing countries. The various training interventions convened with the assistance of the Office of the High Commissioner for Human Rights have greatly assisted in relieving this burden. Namibia has greatly benefited from these training interventions and has managed to build up a team of experts who now confidently compiles State reports in compliance with the various Treaty Body requirements.
9. The production of accurate and desegregated data in support of responses to recommendations by Treaty Body Committees remains a concern and challenge for many developing countries, and we realize that the collection and compilation of such data is a key element in providing substantive feedback on the implementation of recommendations.
10. Namibia has successfully completed the “clustering of recommendations” process, which is aimed at streamlining the monitoring and evaluation of implementation of recommendations. This enables us further to follow up on outstanding matters and to allocate specific assignments to line ministries, agencies and offices as well as other stakeholders.
11. The implementation of recommendations is the most critical part of any review process and more emphasis should be placed on putting mechanisms in place to enable States to effectively implement and follow up on the recommendations made by Treaty Body Committees.
12. Namibia maintains that the Universal Periodic Review is the most successful review mechanism currently in the UN System. Whilst this review is Declaration-based and not necessarily Treaty-based, it often happens that States refer to the observations made by the Treaty Body Committees when making recommendations to peers under review. This practice has inevitably linked the Treaty Body Committee work with the UPR process. Whilst the periodicy of the Treaty Body Committee reviews is often at shorter intervals than the UPR, the UPR has proven to be more efficient with a voluntary mid-term review report, which aids in tracking implementation of recommendations. Many States are unable to meet the demands of compliance with the Treaty Body periodicy and the reports are often too lengthy and results in the repetition of information for the sake of responding to each article in the applicable instrument.
13. Therefore, Namibia proposes for the Treaty-based and Declaration-based processes to be merged to improve effectiveness and for reviews to take place once every two years on compliance with all human rights instruments. This will demand from States to remain engaged and to ensure that implementation of recommendations is not postponed unnecessarily. Such reviews will be of a peer nature and will involve all States and CSO’s/NGO’s as well as the OHCHR. This will ensure that States are not targeted by individual committee members and will avoid the unequal representation of all regions in these committees. It might be worth the while to consider, at a time like this where we are confined to our borders and facing a highly contagious virus, which has caused a pandemic, a more cost-effective, electronic transmission of information as well as online review sessions. It is very costly for Committee members to stay in Geneva for a period of three months and it is equally costly for State delegations to travel to Geneva for these reviews. If States can participate in an overall review every 2-3 years it will enhance cooperation and ease the burden on reporting.
14. Namibia remains steadfast in our stance to promote, protect and fulfill the rights of all people and pledge our support to the work of the Human Rights Council and the Office of the High Commissioner for Human Rights.