

Statement by Ms. Yanghee Lee,
Chairperson,
Meeting of Chairpersons of Human Rights Treaty Bodies

Current and future challenges of the treaty body system

Excellencies,

Distinguished Experts,

Ladies and Gentlemen,

It is an honour for me to take part in this very important event aimed at promoting States parties thinking and proposals to strengthen the human rights treaty body system. On behalf of the nine chairpersons of the treaty bodies, I also wish to express our gratitude to the International Institute for the Rights of the Child for hosting this consultation, as well as to the Swiss authorities for their support.

As we know, this consultation is organized in response to the 2009 High Commissioner's call to strengthen the treaty body system. The High Commissioner has invited all stakeholders to take part in this open process, including treaty body members, States, National Human Rights Institutions and civil society. After the consultations of Dublin, Marrakesh, Poznan and Seoul, we are delighted that this consultation will offer during two days free space for States to reflect on the future of the treaty body system.

Today, no one can deny that the success that the treaty bodies have known over the past four decades. The concept of independent monitoring, as enshrined in human rights treaties and based notably on a constructive dialogue with States, is unique in the United Nations system. Independent monitoring is at the

heart and soul of human rights action and work. The process of evaluating periodically on the basis of legal criteria of human rights compliance with provisions of a treaty is an indispensable function to assist States in protecting and improving human rights at country level. Assessing regularly progress achieved and challenges ahead in implementing treaties remains the basis for providing sound guidance for improvement and elaborating rights-based policies, laws, and programmes in this regard. In any improvement proposed to the United Nations treaty body system one should constantly keep in mind this fundamental role and protect its access, independence and expertise.

With ten treaty bodies established – a strong evidence of the success of this procedure - we might be blinded by the success of the system. My own Committee, established under the Convention on the Rights of the Child, is a perfect reflection of the situation that brings us all together today. On one hand, the CRC has succeeded in a short lap of time to receive almost universal acceptance in bringing a new vision of the child as holder of human rights. At the same time, the related monitoring body - the Committee on the Rights of the Child – has rapidly been the victim of its own success. Reports of States parties are flowing in, demands for general comments to facilitate implementation are ever on the increase, interaction with UN agencies and other parties on implementation issues are multiplying, and so on. This is today not unique to the CRC anymore, with universal ratification getting closer for many other treaties. The new Convention on the Rights of Persons with Disabilities (CRPD) is reflecting this trend. The first initial reports are due this year: 12 are by now pending consideration on one hand, but at the same time 41 are already overdue as they have not been submitted with the established time frame. At the same time, the CRPD Committee is only granted two weeks of session per year.... In other words, from the start of its establishment the CRPD Committee is unable to deliver its core mandate in a proper manner. With States parties and reporting

increasing under this treaty I fear that the CRPD and others might soon face the same unmanageable situation as the CRC which counts today an incredible backlog of 91 reports under the Convention and its two Optional Protocols, despite the fact that 171 reports are still overdue!

In order to mitigate as much as possible this overload of core work, the CRC Committee, which meets three months per year, has taken the difficult decision since many years to work over time, as an average two more hours per meeting day, in addition to the six hours of the formal meeting. This has very negative consequences as this means in reality that 25% of meetings are undertaken without interpretation and outside of formal procedures, with no summary records. We also increasingly organize meetings during the week-ends that we spend in session. Despite all these efforts, we objectively can not cope in a proper way with our core mandate.

This reality makes all treaty body members conscious that we now find ourselves at a crossroads.

Due to its significant growth, the treaty body system is more than ever in need of coherence. Until fairly recently, each treaty body has tended to approach its work independently of the other treaty bodies, even though in many respects their activities and procedures overlap. The ad hoc way in which each committee was created under its corresponding treaty meant that they could develop their own methods of work, and, while there are broad similarities in the way in which the treaty bodies function, there are also considerable differences which may create difficulties for States parties, as well as for civil society and other stakeholders.

The treaty bodies have been continuously engaged in seeking ways to enhance their effectiveness through streamlining and harmonization of working methods and practices for many years, including through the inter-committee

meetings and Annual Meeting of Chairpersons. Over the years, both meetings have built on the practices of treaty bodies and contributed to the harmonization of methods of work, including regarding terminology, and cross referencing to the work of the various treaty bodies. Their main achievement remains, as we know, the Harmonized guidelines for preparing States parties' reports adopted by the Meeting of Chairpersons in 2006.

Many challenges are still before us. As of today for example, over 250 State parties' reports are waiting consideration and over 500 individual complaints are pending consideration.

The treaty body system has become a victim of its own success and the efforts of harmonization and enhancement of methods of work undertaken by the inter-committee meetings and Annual Meeting of Chairpersons do not suffice today anymore to ensure a solid, effective and protective system in the long term.

This situation has prompted the High Commissioner for Human Rights to invite all stakeholders to re-think the future of treaty bodies with innovative and creative ideas in order to strengthen the system. This is the objective of the Sion consultation and I would suggest to all this reflexion: are there different ways for treaty bodies to discharge their work? What treaty body system is required in 2025 and in 2050? Have we explored all possible avenues to make the system effective?

The current treaty body strengthening process, in which today's meeting is embedded, aims precisely at exploring ways and means to address the considerable challenges which the system is facing. In the ever changing and demanding modern world, it is imperative that we are as 'user-friendly' as possible. This should apply to all actors, including contracting States Parties, civil society, and the constituents of the respective treaties.

Let us recall that one of the key ideas of the process is that change should occur within existing legal parameters (and not through the amendment of treaties), and that the process is based on a bottom-up approach aimed at soliciting new ideas from all the different stakeholders interacting with treaty bodies, with a view to achieving our ultimate goal: the protection of rights holders worldwide within an effective and sustainable treaty body system .

The segments which form the structure of the meeting's programme, strengthening the preparation of States parties' reports, enhancing the constructive dialogue between States parties and treaty bodies, ensuring the implementation of treaty body outputs, the independence and expertise of treaty body members, and the resourcing the treaty body system, are all crucial elements that should be preserved and further improved if we want to adequately respond to the challenges that the system is facing and will continue to face in the future. I trust that you, as States parties and key actors of the system, will seize this opportunity to expose your views and make concrete proposals that will enrich this reflection process to which we, chairpersons and treaty body members, attach the highest importance.

I thank you and look forward to your ideas.