**Virtual technical briefing on the review of the United Nations human rights treaty body system**

**Thursday 4 June 2020, 10 am to 1 pm, New York**

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Mr. Antti Korkeakivi

In my brief remarks, I will make a **basic introduction to the treaty body system**. Most of you will be more than familiar with this information but it might be helpful for those participants who have had less direct exposure to treaty bodies.

As you all know, the treaty body system is composed of ten treaty bodies. Two of them, the so called Covenant bodies, have particularly wide mandates, one dealing with civil and political rights and the other one on economic, social and cultural rights. The other eight TBs are devoted either to a key human rights issue (racial discrimination, enforced disappearances, torture/torture prevention,) or to the rights of a specific group or rights holders in focus (children, migrant workers, persons with disability, women).

It is important to recall there is one unique, shared feature of TBs that sets them apart from other HR mechanisms. That is that they are all set up as independent bodies of experts, elected by states parties, to monitor the implementation of *legally binding* human rights treaties and their protocols. These treaties, in turn, are foundational to the entire international human rights protection system.

Ten treaty bodies are composed of altogether close to 200 members serving in their individual capacity. Smallest TBs have 10, largest 25 experts, all supported both substantively and technically by OHCHR here in Geneva. The expertise and competence of these experts are truly essential for the effective functioning of the system.

Most TBs devote much of their meeting time to state party reviews, involving examination of reports from, and dialogue with States, enriched by contributions from civil society, NHRIs and others. These result in concluding observations by treaty bodies. Every year, around 150 States are reviewed and receive recommendations that often influence domestic policies and laws. These recommendations are also key sources in UPR and other processes.

Eight out of ten treaty bodies can also receive individual communications or complaints about alleged specific violations of treaties. Increase in the number of such complaint procedures and complaints is a sign of the importance of these mechanisms as a remedy, but it has also created one of the biggest capacity problems for treaty bodies.

There are also other important mandated activities that several TBs pursue, such as inquiries, prompted by information about serious, grave and systematic violations of human rights and inter-State communication procedures, one of which has recently been used for the first time ever.

While there are common features that cut across treaty bodies, it is important to keep in mind that the system is not a monolith. Treaty bodies have their specificities. For example, the Committee on Enforced Disappearances has a unique urgent action procedure, and the key feature of the work of the Subcommittee on Prevention of Torture is visits to places of detention in States Parties and support to National Preventive Mechanism. It is important to keep this diversity in mind in the context of the current review.

Today we examine treaty bodies as a system, but the building process has been piecemeal over decades since the first treaty body, CERD, was established back in 1969. This has resulted in a rather complex system, which can be difficult to navigate and access. These and other challenges have led to various initiatives to strengthen the system that preceded the current review. My colleague Elena Kountouri Tapiero will now retrace some of those steps to help contextualize our discussions. Thank you.

Ms. Elena Kountouri Tapiero

As many of you know there were **four major reform initiatives** by the UN between 1988 and 2014, (in the past 30 years)

Reports by the IE Philip Alston (1988-1996): now 30 years ago, at the time there were only 6 treaty bodies, which already highlighted non reporting and a number of other key concerns that remain relevant today and raised concerns about the sustainability of the system. One of Philip Alston’s proposals was the preparation of “consolidated reports”. No consensus was reached on this proposal to consolidate reports into a single global report covering all six human rights treaties.

The UN SG’s proposal of a single report (2002-2006): Kofi Annan produced two reports dealing with the human rights treaty body system in 2002 and in 2005 his report “In Larger Freedom” on the future of the organisation which identified as challenges the duplication of reporting requirements and poor implementation of recommendations. Kofi Annan proposed that harmonized guidelines on reporting to all treaty bodies should be finalised and implemented so that these bodies can function as a unified system.

The harmonized reporting guidelines were adopted in 2006 and are currently still being used.

The High Commissioner’s proposal of a unified standing treaty body 2006: Louise Arbour. The proposal found little support.

The High Commissioner’s Navy Pillay treaty body strengthening process: from Geneva to New York through Dublin (2009-2014). By now the system comprises 10 treaty bodies.

In 2009 the High Commissioner launched a series of consultations to reflect among all stakeholders how the system could be strengthened. This culminated in her report of June 2012 where a range of proposals was made, together with an analysis of the added value and cost.

The report was a result of a series of consultation to reflect among all stakeholders how the system could be strengthened.

In parallel, in 2012 the GA set up an inter-governmental working group which led after a 2 year State negotiation in New York to the adoption of GA resolution 68/268 on strengthening and enhancing the effective functioning of the treaty body system in April 2014.

Many of the proposals in Navy Pillay’s report informed and inspired resolution 68/268, such as the expansion of SRPs, establishing stricter word limits, the common core document, etc.

Other proposals are still be relevant, such as a reporting calendar, how to expedite the work on communications, independence and expertise of TB members, open public space for States to present candidates.

I will now hand the floor to the Chief of the Human Rights Treaties Branch, Mr. Ibrahim Salama, who will speak about the current status and the future of the treaty body system.

Mr. Ibrahim Salama

When we look at the **current state of play with treaty bodies, the 3rd SG report on the status of the treaty body system n,** provides us an informative picture, which has a bright side but also a number of dark clouds.

Let me start with some of the positives:

The importance of the treaty body system is reflected in the growing engagement by states. Ratifications of treaties and their optional protocols have steadily increased by an average of 6.5% over the last five years. The increases are particularly marked in the ratification of optional protocols concerning individual communications, the Optional Protocol to the Convention on the Rights of the Child being a case in point.

Thanks to the efforts of TBs and as encouraged by Resolution 68/268 good progress has been made in such areas as expansion of simplified reporting procedure and coordination between treaty bodies. As you will hear from the Chairs of treaty bodies, their shared vision is already yielding concrete results in terms of accessibility and predictability of the system, particularly in light of the two covenants predictable review cycle, with innovative steps being taken both on-line and off-line.

As regards challenges, the percentage of States that comply with their reporting obligations has remained extremely low. While the increase from 13% to 19% indicates that the direction is positive, the deficit remains very large, despite increasing availability of the simplified reporting procedure and capacity building tools.

The number of individual communications or petitions received has increased over the past two years by 80%. This demonstrates strong demand for these remedies but it has also led to backlogs and delays despite best efforts of the small staff supporting this crucial task of treaty bodies. One key to addressing this issue is investing in new technologies to establish a modern case management system rendering our work processes more efficient and responding to the needs of both states and individual as is highlighted in the Secretary-General’s report.

In addressing these and other challenging, strengthening horizontal contacts between treaty bodies and constant updating and alignment of their working methods are crucial. This will facilitate focused and coherent findings and eventually increase combined impact of the system. In all this, the role that each and every treaty body member plays in ensuring collegial, substantive and independent deliberations and analysis is crucial. It is therefore important that the diversity of membership -- including in terms of gender, geographic as well as professional expertise and background -- is factored in throughout the nomination and election processes. This goal could be advanced through a shared platform for presentation of candidates, a proposal that was included already in the 2012 Pillay report.

As the Secretary-General’s report clearly states, sufficient regular budget resources are essential to support the system as it continues to evolve. The General Assembly formula agreed in Assembly resolution 68/268 has been of great importance in providing an objective formula for the calculation of meeting time, but it has its limits. In particular, it has not resulted in adequate human resources to support the meeting time allocated. Also, a number of key activities mandated by the treaties are not covered by the formula, such as visits to places of detention by the Subcommittee on Prevention of Torture; the urgent actions of the Committee on Enforced Disappearances to seek and locate a person that has disappeared; the inquiries and in situ visits by six of the Committees; and the inter-State communications – all of which are equally on the increase. Let me also recall the point made by the High Commissioner on Tuesday that the proposed predictable review cycles would enable a more forward-looking formula for the allocation of resources.

The Covid-19 crisis is prompting us all too seek creative ways to pursue our work and close protection gaps that risk widening. In-person interaction and dialogue are essential components of the work of treaty bodies, and we hope that they will soon be possible again. But the crisis has also demonstrated how traditional treaty body work can be enriched by a digital shift, provided that we have tools that guarantee accessibility, including in different languages and for persons with disabilities.

I trust that a spirit of creativity and commitment to expanding the protection of the rights holders will be key features of the 2020 review. I often say that this is a “low-hanging fruit” considering the time and effort that went into the adoption of General Assembly resolution 68/268. The premises of 68/268 are still valid, yet they need to be adjusted to the realities presented in the 3rd report of the Secretary-General.

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