

Joint Statement

Informal Hearing for Civil Society – February 26, 2013 Intergovernmental Process on Treaty Body Strengthening

Check against delivery

This joint statement is made by twenty-six NGOs who have engaged actively with the treaty bodies and in discussions on the strengthening of the treaty bodies. We welcome the opportunity to continue to do so today.

As a starting point, we consider that the treaty body strengthening process must lead to greater human rights protection on the ground. Therefore, any proposal must be measured in terms of whether it contributes toward enhancing the ability of rights-holders to enjoy their human rights, including by enabling States to fulfil their international obligations.

This intervention focuses on enhancing the **accessibility and visibility** of the treaty body system.

1) Webcasting

We strongly support the proposals to use webcasting to enhance the visibility of the treaty body system for all stakeholders and welcome the support given by many States to these proposals during the informal consultations.

Live webcasting already takes place for many of the treaty bodies through the efforts of NGOs. This has been widely welcomed by both civil society, national human rights institutions, and States as it enables those not able to be present in Geneva to follow reviews -- contributing to building awareness of the reviews and working methods of the treaty bodies as well as facilitating the participation of national civil society groups in the implementation of recommendations. Proper communication is crucial to ensuring that the work of the treaty bodies goes beyond a technical discussion in Geneva and has real impact in the countries under review and webcasting is an important tool in that respect.

In order to increase the treaty bodies' capacity to build momentum towards reform and change, webcasts should be archived and easily accessible, as they are for sessions of the Human Rights Council and the Universal Periodic Review. Text-searchable webcasts or webcasts searchable by keyword provide a full record of discussions for posterity and could lead to potential cost savings if they replaced summary records.

As treaty body reviews are public sessions, there is no basis for proposals made by some States during the informal consultations that the consent of the State party should be sought before webcasting reviews. On the contrary, webcasts should be made available to nationals of the State under review, for whom these are highly relevant.

2) Videoconferencing

We strongly support the proposals to use videoconferencing to enhance access to the treaty bodies by all stakeholders. In that regard, a number of treaty bodies already successfully use

Skype to interact with NGOs and NHRIs. Limiting the costs of participation in this way is crucial to making the treaty bodies' work more accessible. When national NGOs are unable to attend reviews in person, committee members are deprived of a valuable source of information. In addition, the use of video-conferencing to facilitate NGO participation for those unable to come physically to Geneva is an important means of securing a domestic constituency for treaty body outputs, which is central to effective implementation. UN field offices can play a crucial role in enabling this contact.

States could also benefit from videoconferencing, by facilitating the participation of additional representatives from capitals with relevant expertise, in addition to the delegation present in Geneva.

3) Interaction with NGOs

At present, the treaty bodies use varying modalities to interact with NGOs, which means that national actors have to separately learn how to effectively cooperate with each individual treaty body. We agree with the High Commissioner's proposal that this is one area in which coordination on the basis of treaty bodies' good practice would be beneficial. Good practice is that which promotes regular interaction between NGOs and Committees. Where NGO briefing sessions are held concurrent with State party reviews, these should be held in proximity to the State Party reviews in order to limit the number of days that NGOs must be in Geneva to be present at both. Further, we reiterate that this interaction should take place in closed sessions, both to enable participation by NGOs who may be unable or unwilling to speak in public and to protect NGOs from reprisals. We disagree with the High Commissioner's proposal that these meetings should take place in public. Consistent with principles of accessibility, we also consider that NGO briefings should have access to interpretation facilities.

4) Sessions outside Geneva

Another initiative to increase the accessibility and visibility of treaty bodies for all stakeholders is to hold sessions outside Geneva. The reality is that limiting treaty body sessions to Geneva severely restricts NGO participation. Not only is the cost of travel prohibitively expensive for many, but also the relevance of the treaty bodies' work is diminished for many NGOs when meetings are far removed from the on-the-ground realities of a country's human rights situation. In country and/or in region meetings – possibly limited to chambers or country task forces so as to minimise costs – would make the treaty bodies considerably more accessible to a broad spectrum of rights holders on the ground and to State actors. It would further familiarise many more NGOs and State actors with the work of the treaty bodies, increasing awareness of what the treaty bodies do and creating higher levels of engagement with, and support for, the review process. Regional and/or country visits would also be a valuable opportunity for members to meet with key civil society actors and state officials, with a view to encouraging and assessing follow-up on previous and forthcoming recommendations. UN field offices can play a crucial role in organising such sessions.

5) Accessibility of relevant information

In addition to the above points that speak to the question of physical access to the system, it is also pertinent to consider the accessibility of relevant information. OHCHR and the treaty bodies should maintain user-friendly, accessible, fully searchable, and regularly updated **webpages** in all UN languages for each of the Treaty Bodies. We also underline the importance of advanced notice of reviews of State reports, and opportunities for NGO engagement. Longer-term schedules, similar to the UPR, could also allow reviews to be clustered by region, thus facilitating the holding of such sessions outside Geneva.

Regarding the **individual communications procedures**, we welcome the HCHR's proposal to establish a database on jurisprudence and to distribute summaries of the views on each case. This should also include information on follow-up. It is also incumbent on States to provide information about the procedures and widely disseminate treaty body jurisprudence at the national level, including in local languages, and to include this jurisprudence in legal and judicial education.

Further in relation to communications, we consider that OHCHR should publish a public, regularly updated, fully searchable **database of those pending Individual Communications** in relation to which authors have consented to publication. A database of pending cases would not only improve transparency and the administration of justice for victims, but would also enable NGOs to monitor cases to determine where it may be appropriate to assist unrepresented victims or to assist the treaty bodies themselves through amicus curiae briefs or submissions. Where communications are formulated with the assistance of lawyers and NGOs, they are likely to be more accurate and on-point and comply with admissibility requirements and other rules of procedure. The referral of authors and potential complainants to human rights advisers may also have the benefit of "weeding out" unmeritorious or inadmissible claims, thus reducing the burden on treaty bodies and the substantial backlog of Individual Communications in some committees.

6) Reprisals

The issue of reprisals is also intimately connected to accessibility. Fear of reprisal can hinder the participation of victims and civil society, effectively rendering the treaty bodies inaccessible, and depriving Committee members of the knowledge and experience they depend on to carry out their mandates effectively. The HCHR recommends that treaty bodies take urgent and consistent measures in cases of reprisals, including through '*ensuring mechanisms for action*', appointing reprisals focal points in each treaty body, and '*considering consistent action through other relevant mechanisms*' such as relevant Special Procedure mandate holders, OHCHR, and inclusion in the Secretary-General's report on reprisals. The High Commissioner's proposal goes some way towards addressing the problem, but we also make the following recommendations with a view to building on it further.

- Treaty bodies should ensure that the identity and contact information of the focal point on reprisals is properly advertised on the Committee's website and communicated to NGOs participating in the treaty bodies' work.
- Treaty bodies should ensure that meetings held with NGOs are held in closed sessions.
- '*Mechanisms for action*' as recommended by the HCHR, should involve a direct exchange with the State party concerned, which would then be required to respond to the allegations in a timely manner. Where relevant, treaty bodies should also require States parties to report back on reprisals cases together with concluding observations

requiring more urgent follow-up. However, any follow-up, including with delegations, should ensure that the complainant is not placed in further danger.

- Treaty bodies should work closely with OHCHR field presences and UN country teams, for example by requesting systematic follow-up by these actors with individuals at risk before and after the examination of State reports and the consideration of individual complaints. Furthermore, the focal point on reprisals in the treaty bodies should be matched with a focal point in the treaty body division of OHCHR. This focal point would be well placed to coordinate with OHCHR field presences and UN country teams, and to ensure inter-sessional attention to preventing and responding to cases of reprisals.
- The treaty bodies should highlight the Secretary-General's report on reprisals, by providing information about the report on their webpages and during their meetings with NGOs, and encouraging those who have suffered or face reprisals to submit their cases.

7) Compliance with accessibility standards

Finally, in line with the Convention on the Rights of Persons with Disabilities, the practices and working methods of the Treaty Bodies must comply with all relevant accessibility standards, including in relation to access to premises and modes of communication.

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In closing, we thank you again for the opportunity to participate today and would welcome additional opportunities to contribute in the future.

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Signatory organisations

1. Alkarama Foundation
2. Amnesty International
3. ARC International
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Association for the Prevention of Torture (APT)
6. Bahá'í International Community
7. Cairo Institute for Human Rights Studies (CIHRS)
8. Center for the Human Rights of Users and Survivors of Psychiatry (CHRUSP)
9. Centre for Civil and Political Rights (CCPR)
10. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
11. Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT)
12. Human Rights House Foundation (HRHF)

13. Human Rights Law Centre (HRLC)
14. Human Rights Watch (HRW)
15. International Disability Alliance (IDA)
16. International Movement against All Forms of Discrimination and Racism (IMADR)
17. International Rehabilitation Council for Torture Victims (IRCT)
18. International Service for Human Rights (ISHR)
19. International Women's Rights Action Watch (IWRAW)
20. International Women's Rights Action Watch Asia Pacific (IWRAW- AP)
21. Jacob Blaustein Institute for the Advancement of Human Rights (JBI)
22. NGO Group for the Convention on the Rights of the Child
23. Organisation Mondiale Contre La Torture (OMCT)
24. The Advocates for Human Rights
25. The Center for Legal and Social Studies (CELS)
26. World Network of Users and Survivors of Psychiatry (WNUSP)