**31 January 2022**

**Response to the questionnaire on GA resolution** [**68/268**](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/268) **on “Strengthening and enhancing the effective functioning of the human rights treaty body system”**

**The Center for Reproductive Rights (the Center)—an international non-profit legal advocacy organization headquartered in New York City, with regional offices in Nairobi, Bogotá, Kathmandu, Geneva, and Washington, D.C.—uses the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to respect, protect, and fulfill. Since its inception 25 years ago, the Center has advocated for the realization of women and girls’ human rights on a broad range of issues, including on the right to access sexual and reproductive health services; preventing and addressing sexual violence; and the eradication of harmful traditional practices. We are pleased to provide this submission in reply to the questionnaire sent by the Secretariat on the implementation of the GA resolution 68/268 on “strengthening and enhancing the effective functioning of the human rights treaty body system”.**

We would like to send our appreciation for extending this invitation to civil society organizations to provide information on the implementation of GA resolution 68/268. The Center for Reproductive Rights, in coordination with other civil society organizations has provided a joint NGO response to the report of the co-facilitators of the UN General Assembly’s review of the UN human rights treaty body system,[[1]](#footnote-2) in which we highlighted some of the key recommendations that we consider fundamental for the strengthening of the human rights Treaty Body system and included recommendations to States, the Treaty Bodies, the Office of the High Commissioner for Human Rights (OHCHR) and the President of the 75th session of the General Assembly on how to move forward with these recommendations.

Before sharing our comments, we would like to stress that civil society organisations have consistently raised concerns that the special emergency measures and ongoing budget constraints coupled with measures adopted to respond to the COVID-19 crisis have heavily restricted civil society participation at human rights mechanisms.

Please find below our comments:

**Status of the human rights Treaty Bodies system and the progress achieved by the human rights Treaty Bodies in realizing greater efficiency in their work**

We welcome the two meetings convened in 2021 by the OHCHR Secretariat supporting the Treaty Bodies to exchange views with NGOs. We also welcome the efforts undertaken by Treaty Body members and their secretariats to switch to online sessions during the COVID-19 pandemic. However, we continue to be seriously concerned by the postponement and scaling down of sessions scheduled for 2021 and early 2022, including the postponement of reviews of States parties’ periodic reports, since the beginning of the pandemic, in March 2020.

In this regard, while we welcome the resuming of country reviews since September 2021 and the fact that the Committees have been holding the majority of their sessions in person since then, we continue to be concerned by the backlog of country reviews. We are also equally concerned by the fact that the States have to express their acceptance before being reviewed and that their review is not automatically based on the agenda, as well as the last minute changes in the agenda of the reviews that have been occurring. These elements raise concerns around accountability of States to respect their commitments vis-à-vis the Treaty Body system. Last minute changes also hinder civil society organizations’ (CSOs) ability to meaningfully participate in sessions: CSOs are doing

their best to comply with the deadlines, to share up-to-date and timely information and are coordinating their work to engage with the Committees prior to the country reviews.

We remain concerned about how the Committees envisage to address this backlog and the full participation of CSOs in the process (including CSOs with limited access to internet), including in terms of information and organization prior to country reviews, so that they can continue to provide the Committee with qualitative information in a timely manner.

In addition, as CSOs have indicated that “*digital technologies should be used as a tool, selectively and where appropriate, to increase the effectiveness, efficiency and flexibility of the Treaty Bodies”*.[[2]](#footnote-3) We would like to also reiterate that “*predictability, transparency and inclusivity, as well as security, privacy, confidentiality and accessibility, including adequate interpretation, are also essential conditions to enable the full participation of civil society*”.[[3]](#footnote-4)

Finally, we consider important that CSOs s have the possibility to formally engage with the members of all the Committees at all the different stages of state review processes, including during the List of Issues, List of Issues Prior to Reporting and the follow-up review, and not only during the country review. We also support the alignment of working methods and methodologies for engagement with stakeholders and follow-up to recommendations, among the different Committees, and the strengthening of procedural and jurisprudential coherence, in addition to a mutual reinforcement, building on interdependence and indivisibility of rights.[[4]](#footnote-5)

**Individual communications**

We welcome the prioritization of individual communications that was made by different Committees when the number of country reviews was decreased during online sessions.

We would like to reiterate the importance that OHCHR continues working on setting up a modern case management system for the communications received, with adequate funding.

In relation to third-party submissions, we consider important that enough information should be provided on the relevant Committee’s website on the cases that are going to be reviewed by the Committee, so that it would make it possible for third party intervenors to file requests to intervene. Third party intervenors often play an important role in helping develop standards, so enough detailed information on the case should be made public so as to enable a potential intervenor to assess whether to file a request. It is also important that the rules on third party interventions by the Committees clearly state at which stage in the process and for what length of time the Committee will accept requests to submit third party interventions.

**Increased reporting**

The increased reporting by State members and the backlog due to the COVID-19 pandemic have affected timely reviews of the State reports by the Committees. The Committees should continue evaluating ways to address this backlog, taking into consideration the resources deficits the Treaty Bodies have been experiencing and the failure of Member States to provide the Treaty Bodies with the resources they require to function.[[5]](#footnote-6)

**Recommendations**

We would like to reiterate some of the recommendations made in the NGO joint submission previously sent, in particular the following:[[6]](#footnote-7)

To Member States:

* Provide appropriate resources from the regular budget to ensure that the Treaty Body system is accessible to civil society and other relevant stakeholders, including through webcasting and online meetings, and for the development of necessary information management system.
* Provide funding for an accessibility audit across the treaty bodies, including for their webpages, civil society participation, dialogue with States parties, and physical premises, with a view to proposing arrangements that would make possible and enhance the participation of persons with disabilities, including, for example, through the provision of international sign language interpretation, live captioning, Plain English, Easy-Read format and braille. Such an audit must not be limited to the Committee on the Rights of Persons with Disabilities.

Recommendations to the human rights Treaty Bodies

* Establish additional opportunities to coordinate the work by the Treaty Bodies in order to strengthen procedural and jurisprudence coherence and mutual reinforcement, building on interdependence and indivisibility of rights.
* Establish fixed review schedules for the regular review of all States parties and ensure due inter-committee coordination when establishing such calendars.

Recommendations to the United Nations (OHCHR, UNOG and UN Secretariat)

* Take into account civil society experiences of online engagement to date and address shortcomings.
* Ensure suitable platforms for online engagement with the Treaty Bodies and that online engagement with the Treaty Bodies meet adequate conditions to ensure predictability, transparency and inclusivity, as well as security, privacy, confidentiality and accessibility.
* Provide support for inter-committee discussions to strengthen and coordinate the work of the treaty bodies and to strengthen procedural and jurisprudential coherence and mutual reinforcement, building on interdependence and indivisibility of rights.
* Prepare without delay, a proposed schedule and estimated costing for predictable review cycles.
* OHCHR in coordination with host States should make the necessary arrangements to facilitate safe access to revies in regions for civil society representatives without fear of intimidation and reprisals, and should also support meaningful engagement by CSOs that may not be familiar with these processes.

1. The response is available at: <https://www.amnesty.org/en/wp-content/uploads/2021/05/IOR4033192020ENGLISH.pdf> [↑](#footnote-ref-2)
2. Ibid. [↑](#footnote-ref-3)
3. Ibid. [↑](#footnote-ref-4)
4. Ibid. [↑](#footnote-ref-5)
5. Ibid. [↑](#footnote-ref-6)
6. Ibid. [↑](#footnote-ref-7)