# New Zealand Contribution to the Human Rights Treaty Body Review

New Zealand would like to thank Morocco and Switzerland for facilitating this process and the engagement with all stakeholders including member states, the UN system, and the civil society. New Zealand looks forward to engaging in the Treaty Body Review at all stages.

New Zealand considers the 2014 Treaty Body Review to have been useful and its outcome, Resolution 68/268 continues to provide a solid framework for the Treaty body system. Resolution 68/268 continues to shape incremental improvements across the Human Rights Treaty Body processes, resourcing and outcomes.

The current review is a timely, valuable opportunity to realise improvements to the Treaty Body system and to identify practical measures to more fully implement Resolution 68/268.

New Zealand welcomes the efforts by the Treaty Bodies themselves to enhance the working methods and efficiencies of the system. In particular, we are pleased to have seen wider adoption of simplified reporting, which has substantially reduced reporting burden on states parties. Word limits have ensured more focused reports and we have seen an improvement in civil society engagement. Since the adoption of Resolution 68/268 there has also been a noticeable increase in cooperation between Treaty Bodies. For example, instances where one Treaty Body references the recommendations or commentary of another Treaty Body appear to have increased in frequency. This cooperation is to be commended for increasing the consistency and coherence of the different bodies especially where there is overlap in subject matter.

We have also seen a positive shift in the prioritisation of resources, and acknowledge the efficiencies achieved.

However some objectives of the Resolution have not yet been fully achieved. There remain further improvements to the Treaty Body that could be realised. We have grouped these under four headings: resources; independence and credibility; transparency and accessibility; and efficiencies.

## Resources

New Zealand is concerned that budgeting and funding does not fully take into account the work required in support of individual communication processes, which has increased substantially in the years since 2014. These mechanisms have value providing individuals an avenue to be heard and direct encouragement to Member states to improve. However New Zealand has concerns that by not properly resourcing this important, quasi-judicial function, the quality of decisions could be undermined or unduly delayed.

New Zealand is also concerned that the current modalities for dealing with individual communications, which we understand to be primarily paper-based, is not efficient, effective or fit for today’s operating environment. We consider it timely to look at the establishment of a digital platform which could more effectively and efficiently process communications.

## Independence and credibility

New Zealand remains strongly supportive of efforts to safeguard the independence and impartiality of the Treaty Bodies’ members. We are also supportive of the non-prescriptive nature of qualifications to serve on Treaty Bodies. This ensures that there can be diverse views represented on the Treaty Bodies including those with lived experiences. We are also strongly supportive of further efforts to encourage diversity across Treaty Body members including, but not limited to, gender, ethnicity, nationality, region, expertise, and experience.

### Persons with disabilities

We are concerned that Treaty Bodies are not sufficiently accessible to persons with disabilities. Noting OP13 and OP29 of Res 68/268, New Zealand is concerned that there does not appear to be sufficient support available for Treaty Body members who have additional needs due to disability.

New Zealand considers that members must be adequately supported to engage fully with the work of the Treaty Body to which they were elected. While there are measures in place to ensure reasonable accommodation, we would recommend further consideration be given to ensure all Treaty Body members are entitled to support according to their needs to ensure their full and effective participation. Representation of the diversity of disability is contingent on this support and necessary to reflect the ‘Nothing about us, without us’ ethos of the Convention on the Rights of Persons with Disabilities. There needs to be consideration and support to enable true representation across intersectional matters, for example women and indigenous people with disabilities as well as underrepresented groups of persons with disabilities such as persons with intellectual and psychosocial disabilities.

## Transparency and accessibility

### Civil society and NHRI engagement

New Zealand considers there remain possible improvements in Treaty Body engagement with civil society and National Human Rights Institutions (NHRIs), including at all steps throughout the reporting cycle. In particular new technology platforms could be usefully employed to ensure the views of civil society are considered at all stages, but especially well-ahead of the formulation of the ‘lists of issues prior to reporting’. Civil society has an important role to play in focusing the Treaty Bodies’ attention on key issues on the ground. Such focus would help drive both efficiency and change, ensuring that the Treaty Bodies spend their valuable resources focused on areas of policy or practice that could support human rights improvements in the relevant jurisdiction.

New Zealand considers that more can be done to implement OP 23 of Resolution 68/268. There is much more that Treaty Bodies could do using digital platforms which would reduce the burden on countries, especially remote, small island developing states (SIDS), engaging with Treaty Bodies. The present situation creates significant disincentives to SIDS and their civil societies’ engagement with Treaty Bodies at all.

New Zealand considers that the Treaty Bodies could be made more accessible to civil society by ensuring that communications are simplified as far as possible, to enable civil society to engage with the Treaty Body processes, even when they do not have experience in doing so.

### Individual communications

As more individual communications are being processed through the Treaty Body system, it would be beneficial to establish more effective mechanisms to capture the valuable jurisprudence coming out of these decisions. This would increase predictability and consistency across the Treaty Body system and strengthen human rights protections.

### Format of constructive dialogue

New Zealand considers there is significant scope for better implementation of OP5 of Resolution 68/268. At present there is significant divergence of how different bodies conduct the dialogues with States parties, which can make it challenging for less resourced Governments to engage effectively. An agreed format across all Treaty Bodies would improve coherence and accessibility and would increase the efficiency of training programmes and other technical assistance, as such training would be directly applicable to engagement in all Treaty Bodies. New Zealand would support further technical assistance focused on upskilling Governments to better engage with all stages of the Treaty Body report cycle.

## Efficiencies of the system

### Simplified reporting

We are pleased to note that most Treaty Bodies have moved to simplified reporting. New Zealand commends this, as the simplified reporting improves the focus of the reporting, ensuring that both the Member State and the Treaty Body spend their valuable resources reporting and engaging on key issues. The use of simplified reporting significantly reduces the burden on member states, especially small island developing states, and has the potential to improve SIDS’ ability to engage with Treaty Bodies. We strongly encourage those Treaty Bodies that have not moved to simplified reporting to do so.

### Overlapping recommendations

While we recognise the efforts that have been made by Treaty Bodies to work together and develop joint positions on difficult issues, instances of overlapping and inconsistent recommendations from different Treaty Bodies on the same subject matter continue to occur. Overlapping inconsistent recommendations undermine the credibility of the system and can make it difficult for states parties to reconcile the different views. Further effort needs to be made to ensure that Treaty Bodies take into account the recommendations and responsibilities of other Treaty Bodies.

### Systems

New Zealand would support the adoption of case management systems, both for national reports and for individual communications. Using an online platform would enable more accurate dissemination and tracking of recommendations, and further enhance civil society engagement in all parts of the report cycle.

### Calendar of reporting

We acknowledge the efforts of the Treaty Bodies to coordinate reporting cycles, and would welcome further action on this, including where at all possible, no more than two reporting actions should be due in a given calendar year.

New Zealand sees significant merit in consideration being given again to a unified calendar of reporting actions across the Treaty Bodies. The status quo often causes periods in which a high volume of reports or presentations are due at once. This causes significant strain on member states, especially SIDS with less resources, and also impacts civil society’s ability to effectively engage on all topics of interest. We recognise that Treaty-based reporting requirements may limit the flexibility to sequence reporting actions. At the very least, States Parties and civil society would benefit from greater certainty about upcoming reporting actions. For example, under the simplified reporting method, presentations should take place no more than a year after submission of the report. Ideally, States Parties would be advised of the session date as soon as practicable after a report is submitted.

New Zealand sees merit in combining reports on ICCPR and ICESCR, to further reduce the reporting burden on member states.

## Process

New Zealand looks forward to engaging in the forthcoming dialogues and all future steps of this process. New Zealand’s position is that it would not be productive to reopen Resolution 68/268. Instead, member states should focus on practical steps to better implement the resolution and through that, realise the full potential of the Treaty Bodies to support human rights improvements. Thank you again for the opportunity to feed into this process.