

Mr. António Guterres  
UN Secretary General  
Secretary-General of the United Nations  
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United States of America

Cc:  
Mr. Zeid Ra'ad Al Hussein  
UN High Commissioner for Human Rights  
UNOG-OHCHR  
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26 February 2018

### **Open letter regarding the 2018 biennial report by the UN Secretary-General on the state of the treaty body system**

Dear Secretary-General,

In advance of the preparation of your upcoming second biennial report on “the status of the human rights treaty body system and the progress achieved by the UN human rights treaty bodies in realizing greater efficiency and effectiveness in their work” as set out in General Assembly resolution 68/268 (para.40), the undersigned non-governmental organizations wish to draw your attention to a series of objectives, principles and recommendations that we consider essential in any efforts to strengthen the human rights treaty bodies.

These are relevant for the preparation of the 2018 progress report as well as for the political process associated with the review of the measures taken and their sustainability, which should take place no later than 2020 (para. 41).

In the first place, we recommend that your report encourage a process that is participatory and a final outcome that promotes a strong, independent and effective treaty body system.

We therefore respectfully suggest that your report call on Member States to ensure:

- ❖ That any upcoming review process, independently of its leadership, is carried out through an open and transparent process that allows for direct non-State participation and that takes into account contributions by civil society, treaty body members, OHCHR, academics, practitioners and any other relevant stakeholders.
- ❖ A clear and strong commitment to give due attention to the needs and perspectives of rights-holders and victims.
- ❖ That any further initiatives for treaty body strengthening adhere to key principles and objectives, including by:
  - Providing the treaty bodies with sufficient regular funding and resources to carry out their functions and to comprehensively assess States parties' compliance with their treaty obligations.
  - Respecting the independence of the treaty bodies and their competence to establish their own working methods, including with respect to their engagement with stakeholders and the sources of information on which they rely.
  - Ensuring regular periodicity of State party reviews through compliance with reporting obligations.
  - Enhancing the accessibility of the treaty bodies and the participation of rights holders and victims of human rights violations in the work of the treaty bodies including by making the system better known at the national level.
  - Taking effective measures to prevent and combat intimidation and reprisals against those seeking to cooperate with the treaty bodies.

- Ensuring adequate follow-up on and implementation of the recommendations and views of the treaty bodies.
- Ensuring expertise, independence and diversity in the treaty body membership by promoting open, transparent and merit-based nomination processes at the national level and by voting only for candidates that fulfill the criteria set out in the respective treaties and resolution 68/268 (para. 10 and 13).

The undersigned hope that a political process that could weaken the treaty bodies can be avoided. We encourage you and the High Commissioner for Human Rights to play a leadership role in protecting the independence and impartiality of the treaty body system and in promoting measures that will genuinely strengthen the treaty bodies, including through participatory processes.

While recognizing that the treaty bodies have made some progress towards alignment of working methods to date,<sup>1</sup> we are of the view that, subject to the specificity of the different treaties, greater usability and efficiency could still be achieved if all of the treaty bodies had more similar processes and practices. We would however like to underline that the objective should be to align with best practices, and improve the impact of the treaty bodies, rather than steering towards a lowest common denominator.

We look forward to continuing to engage with you, the treaty bodies, individually and through the meetings of the Chairs and their Secretariats, to encourage measures to strengthen their effectiveness and the protection of rights-holders, including their facilitated access to the treaty body system. We stand ready to provide further inputs on substantive measures that could accomplish these goals.

We thank you in advance for your commitment to the protection of human rights, including through the human rights treaty bodies.

Yours sincerely,

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| ▪ Advocates for Human Rights                       | ▪ Jacob Blaustein Institute for the Advancement of Human Rights   |
| ▪ Alkarama Foundation                              | ▪ International Commission of Jurists (ICJ)   |
| ▪ American Civil Liberties Union (ACLU)            | ▪ International Federation for Human Rights (FIDH)  |
| ▪ Amnesty International                            | ▪ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)   |
| ▪ Association for the Prevention of Torture        | ▪ International Rehabilitation Council for Torture Victims (IRCT)   |
| ▪ Center for Constitutional Rights                 | ▪ International Service for Human Rights (ISHR)   |
| ▪ Center for Legal and Social Studies (CELS)       | ▪ Litigio estratégico en derechos humanos, A.C (I(dh)eas)   |
| ▪ Center for Reproductive Rights                   | ▪ Open Society Justice Initiative   |
| ▪ Centre for Civil and Political Rights            | ▪ TB-Net :<br>Child Rights Connect<br>Global Initiative for Economic, Social and Cultural Rights<br>International Movement Against All Forms of Discrimination and Racism (IMADR)<br>International Women's Rights Action Watch (IWRAW)<br>World Organization against Torture (OMCT) |
| ▪ CIVICUS World Alliance for Citizen Participation | ▪ Trial International   |
| ▪ Columbia Law School Human Rights Institute       | ▪ Validity Foundation – Mental Disability Advocacy Centre   |
| ▪ Global Detention Project                         | ▪ Women's Link Worldwide  |
| ▪ Human Rights in China (HRIC)                     |   |

<sup>1</sup> See also NGO submission to the 29<sup>th</sup> Annual Meeting of Chairpersons of Human Rights Treaty Bodies, available at <http://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/29Meeting/JoinNGOStatement.pdf>