

Submission by Ireland on Treaty Body Strengthening

1. Ireland welcomes the invitation of the High Commissioner for Human Rights to provide observations on ways of strengthening the Treaty Body System. Following the Dublin II Outcome Document, and earlier consultations organised by Stakeholders and the Office of the High Commissioner for Human Rights (OHCHR), there is now a clear opportunity to move forward in strengthening the Treaty Body System. The challenge for all involved relates not only to process although Ireland shares the view in the Dublin II statement that the capacities of the system have become stretched to their limit and the system has become “increasingly complex, opaque and cumbersome”. Any strengthening of the Treaty Body System, as the fundamental criterion, must (to again quote Dublin II) “result in strengthening the capacity of rights holders to enjoy their human rights”.
2. Ireland favours stronger coherence among Treaty Bodies and greater harmonisation of procedures. For example, at one level, this should include shorter time limits for both State interventions during sessions and Treaty Body members. Also, Chairs could seek clear understandings of issues falling under the remit of the Treaty under discussion and observations should be limited to this. Ireland favours, given the backlog of reports and the time management pressure of Treaty Bodies, more creative use of video conferencing and email discussions between the Treaty Body and the State Party under examination outside formal sessions.
3. We also favour the submission of shorter reports by States Parties. We favour a more structured process of consultations by States Parties prior to submission of reports, including Government Departments and relevant Non-Governmental Organisations involved with human rights issues. Ireland also favours more structured follow-up to concluding observations, including through country visits as necessary and by engagement as appropriate, of UN Country Teams.
4. The following are some specific observations to which Ireland attaches importance. Strengthening the work of Treaty Bodies can, certainly at the level of procedures, be a relatively clear cut process since agreement on many points has already been established. Ireland, therefore, appreciates the many constructive contributions made so far at consultations in Dublin, Marrakesh, Poznan, Seoul, Sion, Pretoria, Luzern and Bristol, in addition to the Inter-Committee Meeting (ICM) and Meeting of Chairpersons (MC) and the contributions from civil society and other stakeholders.

Strengthening the Preparation of States parties’ reports:

List of issues prior to reporting (LOIPR) and its added value

5. Ireland welcomes the adoption of this innovative practice by the Committee against Torture (2007), the Human Rights Committee (2010) and most recently, the Committee of Migrant Workers (2011). The use of the LOIPR can sharpen the focus of the State Report, easing some of the reporting burden of States Parties, allowing for a more focussed dialogue between the State and Treaty Body members and leading to more targeted and implementable conclusions following examination. It is important that NGOs, UN Agencies, civil society and other

stakeholders are offered the opportunity to input into the LOIPR before they are prepared by the Treaty Body.

Page limitations of States Parties' reports

6. In September 2010, a note verbale from the OHCHR Secretariat was sent to all States Parties inviting States to apply the existing page limitations in practice and conveying the concerns expressed by the United Nations Conference Services in this respect. Stricter adherence to the page limits established in 2006 under the "harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3) would significantly enhance efficiency and have a worthwhile cost saving effect. Considering the significant difficulties the treaty body system has in translating these documents, Ireland considers that stricter adherence to these page limits is important in improving the efficiency of the Treaty Body System.

Challenges for small States

7. Ireland acknowledges the challenges for small States, especially Small Island Developing States (SIDS), in preparing national reports on the implementation of Human Rights Treaties and in following-up on the implementation of the recommendations of the Treaty Bodies. Ireland supports the provision of technical assistance to small States which preserves the national ownership both of reporting and of the national consultation process. In making their recommendations, it is important for Treaty Bodies to seek to target recommendations in a way which helps small States overcome capacity constraints when promoting and protecting human rights.

Engagement with non-reporting States

8. Ireland supports an integrated and coordinated approach to addressing the issue of non-reporting States. In this regard, Ireland supports increased provision of technical assistance and capacity building for non-reporting states in relation to the submission of reports including through regional trainings.

Inclusive process of national consultations as part of the preparation of State Reports including National Human Rights Institutions (NHRIs) and NGOs

9. Ireland recognises the important role played by NHRIs and NGOs in the Treaty Body system and supports an inclusive process of national consultations as part of the preparation of State Reports. National consultations with all relevant Government Ministries as well as the Legislature, Judiciary, National Human Rights Institutions, NGOs and other relevant stakeholders can help to provide a broad based and comprehensive State Report.

Enhancing the constructive dialogue between Treaty Bodies and States Parties

Enhancing dialogue using new technologies

10. Ireland supports wider use of information and communication technology services, such as video-conferencing, to enable broader participation by State delegates, NHRIs, NGOs and other national stakeholders in the dialogue with Treaty Bodies. Much more use could be made of

video-conferencing facilities as a way to expand the contributions of State delegations through the virtual participation of experts in capitals, thus considerably reducing the cost related to the participation of a delegation in the constructive dialogue and increasing the quality and comprehensiveness of responses.

Widespread dissemination of information about the work of Treaty Bodies and development of media strategies

11. Many observers have noted a wide gap in public awareness of the Treaty Body System. Dissemination of information about the work of the Treaty Bodies could help to increase visibility of the system and enhance its effectiveness at a domestic level. Greater awareness could be achieved through the adoption of media strategies to enhance dissemination and implementation of recommendations including in local languages, additional wider use of new and innovative technology including webcasting could be used to enhance the visibility of States Parties examinations.

Treaty Body sessions at regional level

12. Ireland recognises that consideration should be given to organising Committees' sessions in different regions, where a cost-benefit analysis has been carried out and where it is considered to have added value and to be cost-saving. Equally, Ireland supports the holding of Inter-committee meetings and meetings of Chairpersons at a regional level from time to time.

Implementation of Treaty Bodies outputs and impact on the protection of rights holders

More focused and shorter concluding observations

13. Ireland supports a reduction in the length of concluding observations in order to achieve greater efficiency and impact without jeopardizing the quality of those concluding observations or the exercise of the monitoring mandate of the respective Treaty Body.

Follow Up Visits and Written Procedures

14. Effective and ongoing constructive dialogue between States Parties and Treaty Bodies is essential to the effective implementation of the Concluding Observations of the Treaty Bodies. Follow up *in situ* visits and inter-sessional written procedures can enhance the effectiveness of the Treaty Body system.

Enhanced interaction with UN entities

15. Ireland recognises that enhanced engagement and cooperation with other UN actors especially, UNDP and UN Country Teams would help to develop awareness of the Treaty Body System and increase human rights protection at a domestic level. Ireland supports the development of greater synergies and communication between Treaty Bodies and other human rights mechanisms including the Special Procedures and UPR.
16. Ireland also recognises that while the UPR has many positive aspects, States need to be vigilant so as to ensure the integrity, resources available to, and role of the Treaty Body System is not

undermined by the UPR, and that the work of the Treaty Bodies positively feeds into, and enriches, the UPR process.

17. As recognised by the Consultation on Treaty Body strengthening with UN entities and specialized agencies in Geneva (November 2011) ‘recommendations from the UN Human Rights system can have a great impact if brought back to the practical level ... the recommendations provide a very good entry point on which the UN can build a work plan.’ In addition, regional and national follow-up meetings were seen as a useful tool to encourage implementation of recommendations; these meetings could be carried out through webcasting, facilitating dialogue.

Independence and expertise of treaty bodies’ members

18. The independence and eligibility of Treaty Body members is essential to ensure the legitimacy and effectiveness of the Treaty Body System. In the context of the electoral process, Ireland supports the preparation of guidelines on eligibility and independence of experts for consideration by States during the electoral process. In addition Ireland supports the selection of Treaty Body members through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area and willingness to take on the full range of responsibilities related to the mandate of a treaty body member.

Resourcing the treaty body system

19. Ireland recognises the resourcing difficulties faced by the Treaty Bodies in carrying out their functions and welcomes the on-going efforts of various Treaty Bodies to increase the efficiency and effectiveness of their work within their current working methods. Ireland believes that the adequate resourcing of the Treaty Body system should be a priority for the OHCHR and the wider UN System. Much can be achieved by better organisation, working methods and greater coherence. The point stands, however, that the Treaty Bodies are not currently adequately resourced and this has to be addressed in a global manner.

Reprisals

20. Ireland emphatically supports the statement in the Dublin II Outcome Document that “States should prevent any form of reprisals against persons because of their engagement with treaty bodies. When reprisals occur they should be investigated and prosecuted and those found responsible should be punished accordingly. Victims of acts of reprisal should receive appropriate forms of redress”.
21. In conclusion, Ireland very much appreciates the initiative of the High Commissioner in commencing this timely process of reflection on Treaty Body strengthening and looks forward to the further engagement of all stakeholders including treaty bodies, States, OHCHR and other UN bodies, NHRIs, NGOs in this process.

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