

Proposals for the Civil Society Consultation on Strengthening Treaty Body System

Seoul, April 19-20th, 2011

Conectas Human Rights welcomes the **Civil Society Consultation on Strengthening Treaty Body System**, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the National Human Rights Commission of Korea (NHRK), to be held in Seoul, The Republic of Korea, between April 19-20th, 2011. Conectas takes this valuable opportunity to present the **proposals** below to strengthen the functioning, effectiveness and impact of the UN human rights treaty bodies.

As an international NGO based in São Paulo, Brazil, founded in 2001 with the mission to promote the realization of human rights and the consolidation of the Rule of Law, especially in Latin America, Asia and Africa, Conectas considers that only a robust human rights treaty bodies system, vested in harmonized methods of work, adequately resourced and better integrated with civil society organizations, will have a sound impact on the human rights situation on the ground.

The current treaty bodies strengthening process, initiated in November 2009 with the Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System, must take into consideration the concerns of civil society organizations, including **non-governmental human rights organizations from the Global South**, in order to provide an open, transparent, bottom-up process of strengthening the UN human rights system to meaningfully address current human rights challenges.

Bearing in mind the recent developments in the treaty bodies strengthening process, including, *inter alia*, the Marrakesh Statement (June, 2010) and the Poznan Statement (September, 2010), as well as considering the Response by non-governmental organizations to the Dublin Statement (November, 2010), Conectas Human Rights, in advance of the Civil Society Consultation on Strengthening Treaty Body System, highlights the following **proposals for the treaty bodies strengthening process**:

Part. 1. Strengthening the initial phase of the reporting procedure

National consultation between civil society organizations and States Parties

- Consultation at the national level regarding the State Party's report constitutes an important opportunity for civil society organizations to influence the review process developed by the treaty bodies. Preceding the review of Brazil in the **UPR mechanism**, after suggestion by NGOs, the Brazilian federal government organized a **public hearing in the National Congress** with all relevant stakeholders, including congressmen, several public officials and civil society organizations, as well as welcomed **written submissions, via questionnaire**, from civil society organizations on the draft national report.

Conectas recommends that similar practices of **national consultation** should be incorporated by other States Parties and fostered by the OHCHR and the treaty bodies. First, State Parties should initiate the necessary steps to organize national consultations as part of a genuine effort to take into consideration the concerns of civil society organizations. Second, such process should involve several instances of the State, including Legislative, Executive and Judiciary branches as well as state and municipal levels, and ensure the participation of a wide range of civil society organizations.

Part. 2. Enhancing the constructive dialogue between Treaty Bodies and States Parties and the cooperation with civil society

Improving NGOs' interaction with treaty bodies system during the review process:

- Conectas recommends that all treaty bodies adopt **formal rules allocating a reasonable time for the formal participation of NGOs and NHRIs** during the review sessions of the concerned State, by organizing private meetings between treaty body members and NGOs and NHRIs. Similar arrangements have been made by the UN Committee Against Torture, which usually allocates one hour with NGOs and one hour with NHRIs per country under examination in plenary, private sessions, benefiting from interpretation services¹;

Fostering local NGOs' participation:

- In order to enhance the participation of NGOs from the Global South in the sessions of the treaty bodies, Conectas recommends that all treaty bodies consider, with the support of the OHCHR, organizing **sessions in other regions of the world** - particularly in Africa, Asia and Latin America - which would enable the participation of local and national NGOs;

¹ More information available at: <http://www2.ohchr.org/english/bodies/cat/workingmethods.htm#a3>. Last accessed on: April 10, 2011.

- A **wider use of technology** would also promote the interaction between local NGOs and the treaty bodies. Therefore, Conectas recommends that the treaty bodies make use of, *inter alia*, webcasting, video conferences between treaty bodies members and NGOs, when appropriate, and other forms of technology;
- The submission of timely, comprehensive, representative and targeted information is paramount in the preparation of lists of issues and the examination of States Parties by the treaty bodies. It requires outreach efforts to make the scope, schedule, and working methods of the treaty bodies known to as many civil society actors as possible. In this sense, Conectas recommends that the participation of grassroots NGOs in the work of treaty bodies be strengthened through **outreach and information efforts by the OHCHR field presences and UN country teams** with staff designated as civil society focal points.

Part 3. Follow-up and impact on the protection of rights holders

Strengthening the treaty bodies jurisprudence:

- After each treaty body session, the **most significant case-law developments should be made public through a press release**, along with short summaries of all views on communications adopted at the corresponding session. This information should be made available in all working languages of the treaty bodies and, when appropriate, in the language that would enable a wider access by local NGOs of the concerned State Party;
- The treaty bodies' jurisprudence could be strengthened with the development of a **thematic database**, which would foster the use of the treaty bodies' case-law before national and regional courts or other organisms. Conectas recommends that the OHCHR considers coordinating the implementation of a thematic database of treaty bodies' jurisprudence, including making it available online in all working languages of the committees;
- In order to avoid duplication of the UN human rights mechanisms, a **better integration between the treaty bodies and the Special Procedures of the UN Human Rights Council** should be considered. Conectas recommends that the OHCHR promote such interaction at the informational level, for instance, elaborating a compilation to the treaty bodies of the relevant information elaborated by the Special Procedures on the concerned State Party². In addition, Conectas recommends that the treaty bodies consider interacting with the Special Procedures on

² As suggested by the **Informal Background Paper for the Dublin Meeting**, November 2009, page 28, available at: http://www2.ohchr.org/english/bodies/HRTD/docs/Informal_background_paper_Dublin_meeting.pdf. Last accessed on: April 10, 2011.

a case-by-case basis, for instance, through the issue of joint press releases or cooperation on individual cases³.

Follow-up written procedure:

- Conectas acknowledges the development of follow-up procedures by some treaty bodies, including most recently by Committee on the Elimination of Discrimination against Women, which reinforces the need for the adoption of concrete and measurable recommendations. In this regard, we believe that in order to conduct a qualitative assessment of the written follow-up information submitted by States, treaty bodies should seek and formally acknowledge follow-up information by civil society organizations and NHRIs. This information should be readily available online if not confidential.

Follow-up via country visits:

- Follow-up visits to the concerned country by treaty bodies members should be mainstreamed into the work of all committees, and the necessary resources allocated for this purpose. In addition, visits to countries should be scheduled and made public at the earliest stage possible; in order to enable the **equal participation of all concerned civil society organizations**.

³ As suggested by the **Response by non-governmental organizations to the Dublin Statement**, November, 2010, para. 13, available at: <http://www2.ohchr.org/english/bodies/HRTD/docs/FinalDublinStatResponseNGOs.pdf>. Last accessed on: April 10, 2011.