Submission to the Treaty Body Strengthening Process by the United Kingdom of Great Britain and Northern Ireland

Introduction

1. The United Kingdom welcomes the invitation made by the UN High Commissioner for Human Rights to provide suggestions to enhance the efficiency, effectiveness and impact of the treaty body system. The United Kingdom strongly supports the work of the treaty bodies and regards them as central to the broader international human rights system. The United Kingdom welcomes a number of innovations adopted by treaty bodies to enhance their working methods and considers that the effective functioning of the treaty body system is key to achieving improvements in the promotion and protection of human rights throughout the world.

2. The United Kingdom welcomes the active participation of members of treaty bodies, civil society and national human rights institutions in the current process of treaty body strengthening. The United Kingdom endorses the view expressed in the 11 November ‘Dublin II’ outcome document that “Strengthening the treaty body system must result in strengthening the capacity of rights-holders to enjoy their human rights.” The United Kingdom considers that the overriding objective of the current process must be an improvement in the extent to which human rights are respected by states parties in line with their treaty obligations and all suggestions made by the United Kingdom should be seen in this light.

Membership

3. The effectiveness of each treaty body is dependent upon its membership. The United Kingdom considers that the treaty body system would be significantly strengthened by states parties taking steps to ensure an open process for selecting candidates for treaty body elections aimed at ensuring the greatest level of expertise and independence in all treaty bodies.

4. The UK endorses the recommendation made at the Dublin II meeting that **“States should consider means to ensure that all candidates for membership in a treaty body are nominated 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”**

5. The UK considers that a number of key elements make up such a process. First, that the call for nominations to be a State’s treaty body candidate should be made widely, for example in the national press and/or on government websites, and particularly be brought to the attention of National Human Rights Institutions and civil society. Second, that individuals holding positions in the Executive Branch of Government are ineligible. And thirdly, that candidates are sifted and then interviewed as part of an open competition. The UK believes that such that an open and transparent national selection process should involve National Human Rights Institutions and civil society actors. While the decision for choosing a candidate remains the prerogative of the State party, in the United Kingdom’s experience open processes have proved highly beneficial in helping to select treaty body candidates with the highest levels of expertise and with full independence from government.

National Consultation

6. The UK considers that the treaty body reporting process should involve all relevant government ministries in order to increase awareness and understanding at the domestic level of international human rights obligations as well as the work of the treaty body system. The UK therefore supports the proposal contained in OHCHR’s ‘non-exhaustive list of emerging proposals’ that states should ensure that the process of preparation of reports for treaty bodies include consultation with all relevant government ministries and other authorities at central, regional and/or local level.

7. The UK also believes that the elaboration of a state’s report to a treaty body can provide a platform for a constructive dialogue with domestic human rights Nongovernmental Organisations. We therefore support the call made at the civil society consultation in Seoul that states should include NGOs when preparing their reports to treaty bodies.

List of Issues Prior to Reporting

8. The UK welcomes the initiative of some treaty bodies and states to adopt the reporting model based on a list of issues prior to reporting. The UK believes that this offers a number of potential advantages. Not only does this improve the efficiency of the reporting process through more focused reporting, tailored to the Committees’ priority concerns, this should facilitate a more productive dialogue between states and treaty bodies. This should also have a beneficial effect on the impact of the reporting process through more precise Concluding Observations. The UK suggests that OHCHR conducts a detailed review of how the list of issues prior to reporting model has operated to date in consultation with those treaty bodies which have used this model, as well as other relevant actors including NGOs, with the aim of assessing the feasibility of this reporting model for other treaty bodies. This could include the impact of using the list of issues prior to reporting on identifying the most pertinent issues, the dialogue between the state and the Committee and the Concluding Observations.

Resources

9. The United Kingdom welcomes the fact that some treaty bodies have been proactive in seeking to maximise the most efficient use of resources in order to address their workloads and endorses the recommendation made at the Dublin II meeting that the“ OHCHR and the treaty bodies themselves should consider how to make better use of existing resources.” In this context the UK believes that the treaty body system should be a priority for the OHCHR when allocating resources. The UK further proposes that the treaty body system should contain the flexibility necessary to allocate resources, especially requirements of meeting time, according to need based on, inter alia, the number of reports and individual communications outstanding. The United Kingdom believes that the task of allocating meeting time according to need, on an equitable basis should fall to the High Commissioner for Human Rights.

10. While the UK recognises the helpful Guidance which General comments, days of general discussion and other actions by treaty bodies may provide, during periods when considerable backlogs in reporting have developed the UK encourages efforts to prioritise activities of treaty bodies, focused on those tasks explicitly required by the relevant treaties during their meeting time in Geneva. The UK suggests that the Office of the High Commissioner for Human Rights should look for innovative ways to ensure that treaty body members are able to discuss issues, such as the elaboration of General Comments outside of formal sessions by making good use of available technology (e.g. IT discussion boards, VTCs).

11. The UK supports the consistent use of page limits by the treaty bodies and Secretariat which should be strictly adhered to by states. Reports exceeding page limits should not be eligible for translation and processing.

Harmonisation of the Treaty Body Procedures

12. The UK supports efforts taken in recent years to harmonise working methods among treaty bodies. The UK considers that this contributes to a more effective system by improving the ability of states, NGOs, NHRIs and other actors to understand and access the system. The UK supports further steps towards harmonisation of working methods.

13. The UK considers that meetings of certain treaty bodies in New York (Human Rights Committee and CEDAW) does not represent the most efficient use of secretariat resources. The UK therefore proposes that meetings should be in Geneva only.

Enhanced dialogue

14. The UK supports proposals aimed at effective time management during session meetings, including ensuring a balanced exchange between treaty body members and the State delegation. The UK supports the suggestions made at the Dublin II meeting to introduce shorter time limits for treaty body and State interventions. The UK encourages all treaty body chairs to take a firm approach to time management, setting an agreed speaking time maximum for committee members. The UK further suggests that all interventions by treaty body members should be related to the treaty being discussed.

Use of technology

15. The UK suggests that greater use of video-teleconference (VTC) facilities could enhance the participation of delegations in treaty body meetings. Delegations might participate entirely via VTC or send a small delegation to Geneva, with a delegation joining by VTC from their capital. UN country offices could be used to facilitate the use of VTCs if states do not have such facilities. The UK had a successful experience of using VTC facilities with the CEDAW in 2008 and thinks that this could be used more widely.

16. The UK also supports further examination of the feasibility of regular webcasting of treaty body meetings. This has the potential to greatly increase access to the proceedings for those not able to attend in person, to enhance the public profile of the treaty bodies and to lead to a greater understanding of the treaty body system.

Follow up and impact

17. The UK supports greater attention by the treaty bodies to the issues of follow up to, and impact of, the reporting process. The UK encourages those treaty bodies who have not established follow-up mechanisms to do so, building on the good practice which already exists within the treaty body system. The UK supports the proposal from the Dublin II meeting that the role of UN entities working through UN Country Teams should be strengthened with respect to the follow up of concluding observations.

 18. In order to maximise the potential impact of concluding observations The UK further proposes that treaty bodies should adopt shorter, more focused concluding observations which identify practical steps which states can take in order to improve the implementation of their obligations under relevant treaties.

Reprisals

19. The UK condemns any reprisals carried out against individuals for engaging with the UN human rights system, including the treaty bodies. The UK supports the wording 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.”

20. The UK further proposes that treaty bodies should take all necessary steps to minimise the risk of reprisals for those engaging with the treaty body reporting system, including, when necessary, by facilitating the submission of information from NGOs and human rights defenders without disclosing their identity.