

29th Annual Meeting of Chairpersons of Human Rights Treaty Bodies

26-30 June 2017
UNHQ, New York

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI) respectfully draws the attention of the human rights treaty body chairpersons (TB chairs) to the following considerations related to Item 7 of the provisional agenda for their 29th annual meeting, “Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.”

1. The TB Chairs should draw Member States’ attention to the working methods changes they have made in response to the recommendations contained in GA resolution 68/268

This meeting of the chairpersons of the human rights treaty bodies provides an important opportunity for reflection on the progress they have made in response to the adoption by the UN General Assembly of resolution 68/268 in April 2014. While the UN Secretary-General published a first progress report on the implementation of this resolution in August 2016 (UN Doc. A/71/118), the progress report did not highlight the many changes that have been made by each of the treaty bodies to their working since the publication in June 2012 of the report of the High Commissioner for Human Rights (A/66/860). The second follow-up report of the Secretary-General will be prepared in early 2018 and submitted to the General Assembly in advance of its 73rd session. The treaty bodies should seek to ensure that this report fully reflects the scope of the changes that each body has made to its methods of work in recent years.

Recommendation: prior to the preparation of the Secretary-General’s second progress report on implementation of General Assembly resolution 68/268 in early 2018, the TB Charis should ensure that each treaty body prepares a comprehensive list of the working methods changes it has adopted since 2012.

2. The treaty body chairpersons should expedite their efforts to make further working methods changes that would respond to recommendations in GA resolution 68/268

In GA resolution 68/268, Member States highlighted a few areas in which treaty bodies were particularly encouraged to harmonize their working methods, recommending the treaty bodies to:

- “offer to States parties for their consideration the simplified reporting procedure,”
- “elaborate...an aligned methodology for their constructive dialogue with the States parties,” and
- “develop common guidelines for the elaboration of ...concluding observations.”

Additionally, resolution 68/268 invited the treaty bodies and OHCHR to “to continue to work to increase coordination and predictability in the reporting process...with the aim of achieving a clear and regularized schedule for reporting by States parties.” While the treaty bodies have made some progress toward harmonizing their practices on some of these working methods, more could be done. Moreover, the treaty bodies do not appear to have made substantial progress in the area of increasing coordination in the reporting process. While the treaty bodies’ capacities are necessarily limited in this area, each committee could exercise control over the scheduling of treaty bodies’ dialogues with States parties on periodic 2/3 reports. Specifically, the TB Chairs could coordinate to ensure that the scheduling of dialogues on States parties’ reports does not inappropriately burden them with too many appearances in the course of a year.

Recommendations:

- The TB Chairs should agree to a plan of action and timeline to bring the treaty bodies' practices concerning the simplified reporting procedure, constructive dialogue, and concluding observations into greater harmony.
 - Together with OHCHR, the TB Chairs should examine current practices with respect to the treaty bodies' consideration of periodic reports in order to determine whether States parties are frequently asked to engage in several constructive dialogues on their reports to several treaty bodies within a short period of time.
 - The TB Chairs should decide that together OHCHR, they should endeavor to schedule the consideration of periodic reports in a way that would ensure that no State party is reviewed by more than two treaty bodies in any given twelve-month period.
- 3. The treaty body chairpersons should ensure that further working methods changes truly strengthen the human rights treaty body system and do not lessen its impact**

Over the past several decades, the human rights treaty bodies have made a significant contribution to the development of human rights law through their application of the provisions of the core international human rights instruments to specific country situations. In applying the human rights treaties, the treaty bodies have added depth and nuance to the content of human rights obligations. The treaty bodies have also developed innovative methods of work, such as follow-up procedures, and adopted other measures to encourage States parties to improve their compliance with their human rights obligations.

While it would be beneficial if the treaty bodies were to improve their accessibility to all stakeholders through reform and harmonization of their working methods, these and other reforms should not be made at the expense of the treaty bodies' effectiveness at promoting greater respect for human rights. We are particularly concerned that working methods changes aimed at lessening the reporting burden on States that are parties to many of the core human rights treaties or at creating a greater "division of labor" among the treaty bodies could have a negative impact on the treaty bodies' performance.

Recommendations:

- The TB Chairs should not endorse working methods reforms proposed on "efficiency" grounds that would require the treaty bodies to adopt narrower interpretations of the human rights obligations contained in the treaties they monitor. Where aspects of State practice implicate human rights obligations contained in more than one human rights treaty, treaty bodies should endeavor to reinforce one another rather than to refrain from addressing the issues concerned.
- The TB Chairs should only endorse structural reform proposals that do not significantly reduce the frequency with which States are subjected to independent scrutiny of their human rights records.
- The TB Chairs should recommend that the treaty bodies should assess the merits of any proposed structural or working methods changes along the following parameters:
 - Would the proposed change have a positive or negative impact on the treaty bodies' ability to obtain relevant, timely information from State and non-State stakeholders that could assist them in assessing States' compliance with their treaty obligations?
 - Would the proposed change have a positive or negative impact on the scope of conduct considered by each treaty body?
 - Would the proposed change ensure that States parties to the human rights treaties are regularly scrutinized by the treaty bodies?