

Marrakech Statement

on Strengthening the Relationship between NHRIs and the Human Rights Treaty Bodies System

Marrakech, June 09-10, 2010

Introduction

1. The Advisory Council on Human Rights of Morocco organized from 9 to 10 June 2010 in Marrakech a meeting of National Human Rights Institutions (NHRIs) to reflect on the future of human rights treaty bodies. This meeting was a response to the 2009 call of the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, who requested States Parties to human rights treaties, as well as NHRIs, treaty body members, civil society actors and other stakeholders to initiate a process of reflection on how to streamline and strengthen the treaty body system.
2. This meeting was attended by representatives of NHRIs from all regional networks of these institutions. Treaty body experts and representatives of OHCHR participated as observers to the meeting.
3. NHRIs participants extend special appreciation to the Advisory Council on Human Rights, the hosting institution, for the preparation of this meeting and its warm hospitality.
4. For NHRIs streamlining and strengthening the human right treaty body systems is necessary in order to better promote and protect human rights at the national level in every country. Participants strongly acknowledged the longstanding and productive cooperation among human rights treaty bodies and national human rights institutions and recognized the significant and complementary role of both in promoting and protecting human rights worldwide.
5. Participants in the meeting reaffirmed their belief that the human rights treaty bodies, as central pillars in the United Nations human rights system, have a fundamental role in promoting and protecting human rights due to the legal nature of their mandates. Participants recalled that, through voluntary and sovereign decisions, States commit themselves to implement and respect the legal obligations provided for in each international core human rights treaty and in this regard, reiterated that treaty body recommendations should be implemented as they derive from legal obligations in the field of human rights. Participants furthermore underlined that the recommendations by human rights treaty bodies constitute a unique and solid basis for intergovernmental action promoting and protecting human rights.
6. With the increase of the number of human rights treaty bodies and adoption of new optional protocols since 2008 (Committee on the Rights of Persons with Disabilities and related optional protocol, Optional Protocol on Economic, Social and Cultural Rights, Subcommittee on Prevention of Torture and the soon to be established Committee for the Protection of All Persons from

Enforced Disappearance), the need for the harmonization of working methods of treaty bodies is becoming even more relevant and urgent. The current wide variety and diversity of existing practices among treaty bodies in their interaction with NHRIs is challenging and at times reduces the capacity of NHRIs to significantly contribute to the work of the treaty body system.

7. Additional instruments, increased ratification and reporting have clearly led to a situation where additional funding is required if TBs are to fulfil efficiently their mandate. Insufficient TBs' meeting time and frequent lack of translation of documents are two examples of serious limitations in the current system.
8. Recognizing the particularities of each treaty and related treaty body and the need to preserve their original mandates and specific knowledge, nevertheless the participants emphasize the compelling need for greater harmonisation between them.
9. Participants noted with appreciation the outcome of the 2006 Berlin international roundtable on the role of national human rights institutions and treaty bodies and of the 2009 Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System.
10. Participants fully acknowledged that the rapid growth of the TBs system has resulted in a significant reporting burden for SPs. These difficulties also impact on the NHRIs capacity to interact with TBs in a meaningful manner and overburden the whole reporting system. They also weaken the capacity building and the follow-up programmes and activities.
11. Participants emphasized the need to have NHRIs established in all States, in full conformity with the Paris Principles in order to maximise the quality of their cooperation with TBs and ultimately assist effectively with human rights implementation.
12. Participants also urged States to adequately financially resource NHRIs to ensure that they have the capacity to fulfil their human rights mandate.
13. On the basis of discussions held in Marrakech, participants agreed on the following in order to strengthen the human rights treaty bodies:

NHRIs perspectives on the TB strengthening process

14. The multiple challenges which the treaty body system confronts are indications that there is need for a change and significant enhancement if it is to achieve its objectives.

15. The multiplication of human rights mechanisms referred to above has increased the risk of substantive overlap, contradiction, lack of coordination and a fragmentation of the human rights protection system. The impact at country level of the work of these procedures is therefore being significantly weakened.
16. In order to strengthen the treaty body system in this new and rapidly evolving context, NHRI participants recommend that treaty bodies should, among other things:
 - a) streamline the reporting system with a view to reducing the volume of documentation to be considered by the treaty bodies. This will facilitate reporting by States parties, and contribute to ensuring high quality review with an effective outcome. In order to achieve this objective, all treaty bodies' documentation, including states parties' reports, should be strictly limited to the recommended number of pages, in accordance with the harmonized reporting guidelines adopted by the Inter-Committee Meeting and Chair Persons Meeting (HRI/GEN/2/Rev6);
 - b) insist that State Parties submit and regularly update the common core document and treaty specific reports and that new and innovative working methods and procedures, such as the lists of issues prior to reporting be further explored with a view to better focus the debate on the key strategic priorities in States Parties under review as established by the treaty bodies; and
 - c) make recommendations that are targeted, focused and treaty based. They should also make increasing use of cross-references to the work of other treaty bodies avoid inconsistencies and, where appropriate, reinforce other treaty body recommendations.
17. NHRIs participants stressed the usefulness of TBs general comments as an important tool for the implementation of convention obligations and related TBs recommendations by States Parties, including as guidance for law reform and policies and interpretation of human rights treaties provisions. They recommended increased development of general comments and where appropriate joint general comment to reinforce the indivisibility and interdependence of all human rights; and requested that NHRIs are consulted during the drafting process.
18. NHRIs participants recommended that treaty bodies meet periodically outside Geneva and New York in regional centres to bring the treaty body procedures closer to rights and duty holders.

Recommendations to UN Member States

19. NHRIs participants recommend to member States of the United Nations, that they should allocate adequate resources for the human right treaty body system.
20. NHRIs participants recommend that State Parties nominate treaty body experts in accordance with a consultative and transparent process involving all sectors of society including NHRIs. National candidates should be selected on the basis of their competence, integrity, impartiality and independence.
21. NHRIs emphasized the importance for SPs holding national consultations, as they are required to do for the UPR report, during the preparation of their reports to be submitted to TBs. State Parties must ensure that NHRIs are able to play key role in the national consultation process.

Cooperation between NHRIs and TBs

22. Participants urged all treaty bodies to take due account of the independent status of “A” accredited NHRIs and the particular role that they have in national human right protection and contribution they can make to the treaty monitoring process.
23. In order to enhance access to treaty bodies and ensure follow-up by NHRIs to the treaty body recommendations, NHRI participants recommend that:
 - a) the reporting process and individual communication procedures be as much as possible aligned, through common rules of procedure and working methods, among treaty bodies in order to establish similar procedures for cooperation with NHRIs and other key national actors, including with respect to the format and timing of submission of written information, and the oral presentations;
 - b) treaty bodies invite NHRIs and other key national actors to provide information, on a systematic basis, in relation to their respective follow-up procedures. To this end, NHRI participation in the existing treaty body follow-up procedures or activities as well as country inquiries should be encouraged, systematised, and harmonised; and
 - c) the draft harmonised approach to NHRIs engagement with treaty bodies, adopted at the 2006 Berlin meeting, be fully implemented.

NHRIs commitments to the process of strengthening the TB system

24. NHRI participants reiterated their commitment to support to their maximum capacity the work of the treaty bodies system including amongst others by:
 - a) actively promoting the ratification of all core international human rights treaties and optional protocols; withdrawing reservations; ensuring the participation of States in existing procedures for individual complaints and enquiries;
 - b) strengthening their working methods and their participation in the treaty body system for instance by submitting authoritative information highlighting issues of concern to be addressed and by actively participating in treaty bodies' activities thereby ensuring that treaty body recommendations have greater impact on the promotion and protection of human rights at the country level.
25. Recognizing that it is the primary responsibility of the States to disseminate the outputs of treaty bodies to all sectors of society and in accessible languages, NHRIs especially highlighted the need to bring them to the attention of concerned sectors of Government, the Judiciary and Parliament. In addition, NHRI participants reiterated their readiness to publicise and disseminate the core international human rights instruments, as well as the treaty bodies' concluding observations, general recommendations, views on any national individual communications as well as enquiries.
26. NHRI participants also underlined their commitment to keep under review the State party's implementation of its obligations under the international human rights conventions.
27. NHRI participants reiterated the need to raise awareness about the TBs individual communications procedure and, whenever appropriate, to support their use by victims. In addition, NHRIs are also encouraged to be strategic in promoting cases that may build specific jurisprudence to be used at the domestic level, as well as to follow-up on the implementation of views adopted by TBs at domestic level, disseminate them and use them in their human rights education training programmes.
28. In light of their particular mandate and given the importance of ensuring follow-up to the work of treaty bodies, NHRI participants are committed to organising more training activities, including on a regional basis, during which good practices could be shared. In this regard, NHRI participants underlined their ability and willingness to assist in the holding of training activities, on the

treaty body reporting and implementation process, for all stakeholders at the national and international level.

Request to the Office of the High Commissioner for Human Rights

29. NHRI participants recommended that the Office of the United Nations High Commissioner for Human Rights, in cooperation with the International Coordinating Committee of NHRIs and regional networks of NHRIs, establishes a capacity building project with a view to enabling NHRIs to give and receive training in relation to follow-up to treaty body recommendations as well as treaty body reporting.
30. NHRI participants are committed to making best use of existing tools provided by the OHCHR and requested in addition the development of a handbook by the OHCHR specifically for NHRIs, drawing on existing material, covering interaction with TBs guidelines on how to participate at all stages and information on best practices on follow-up to recommendations.

In conclusion

31. NHRIs participants are committed to continuing involvement in the process of strengthening treaty body systems.
 32. NHRIs participants having adopted this statement also requested its endorsement by the ICC.
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