

# STRENGTHENING THE UNITED NATIONS TREATY BODIES:

## *Four recommendations to ensure the effective participation of non-governmental organizations*

**O**n 23 February 2012, Member States voted in favour of United Nations (UN) General Assembly (GA) Resolution A/RES/66/254.<sup>1</sup> The resolution mandates the President of the GA to establish an open-ended inter-governmental process to conduct open, transparent and inclusive discussions on strengthening the treaty body system. The resolution also mandates that the inter-governmental process take into consideration the proposals that have emerged from the two-year, multi-stakeholder consultations (the “Dublin Process”) facilitated by the High Commissioner for Human Rights (HCHR), which will conclude with a report of the HCHR no later than June 2012.

The resolution stipulates that the inter-governmental process shall be open to all Member States and Observer States of the UN, and to inter-governmental organizations and UN bodies. It also requests the President of the GA to work out “separate informal arrangements...that would allow the open-ended inter-governmental process to benefit from the inputs and expertise of the human rights treaty bodies, national human rights institutions and relevant non-governmental organizations”. The resolution makes poor provision for engagement of non-governmental organizations (NGOs) with the process and it will be important that the President of the GA and his two co-facilitators ensure that arrangements are put in place to ensure effective NGO participation.

### FOUR RECOMMENDATIONS FOR NGO PARTICIPATION

**1** The inter-governmental process should build on practice in the GA regarding non-state stakeholder participation in standard-setting processes. The arrangements should invite NGOs with an interest in the matter to make contributions to the work entrusted to the inter-governmental process.<sup>2</sup>

**2** The resolution mandates that the inter-governmental process be open, transparent and inclusive. **Consequently, all meetings of the inter-governmental process should be open to NGOs.**

**3** In order for the inter-governmental process to benefit from the inputs and

expertise of NGOs, as stipulated in GA resolution A/RES/66/254, NGOs should be able to make **direct contributions in a timely manner**. This requires allotting time within the intergovernmental process for NGOs to provide expertise.

**4** NGOs with an interest in the discussions about strengthening the treaty bodies operate at the grassroots, national, regional and international levels. **Arrangements for NGOs in the open-ended inter-governmental process should enable all such NGOs—many of which may be physically absent—to follow the discussions and to provide their input and expertise.**

Underpinning the four recommendations contained in this paper is the fact that NGOs play an essential role in the elaboration of treaties and the work of the treaty bodies—from undertaking advocacy for adoption and ratification, to monitoring implementation—and should therefore continue to play a key part in efforts to strengthen the treaty bodies. States assume legal obligations when they become parties to international human rights treaties. However, the process of giving effect to the rights enshrined in those texts through law, policy and practice is complex, and one that necessarily involves a number of stakeholders, including NGOs and national human rights institutions (NHRIs). Over the 40 years of treaty bodies’ existence, States have increasingly recognized the key role of NGOs in the work of the treaty bodies. In that regard, States have elaborated treaties that identify a role for NGOs in the monitoring process,<sup>3</sup> and all of the treaty bodies invite NGO contributions to the review of States Parties reports.<sup>4</sup> In addition, NGOs have actively participated in, and provided input to, the elaboration of new standards including the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Convention on the Protection of All Persons from Enforced Disappearance, as well as to discussions on treaty body strengthening during the last decade.<sup>5</sup>

Though these recommendations focus on the participation of NGOs in the intergovernmental process, the participation of NHRIs and members of the treaty bodies is also essential to ensure that GA action will result in the strengthening of the treaty body system.

Efforts to enhance the treaty bodies and the system should aim to improve the fulfillment of States Parties’ obligations and to strengthen the capacity of rights-holders to enjoy their human rights. The meaningful participation of NGOs in the treaty body strengthening process will ensure these important considerations are not lost in debates about processes and efficiencies.

- Alkarama Foundation
- Amnesty International
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Association for the Prevention of Torture
- Bahá’í International Community
- Centre for Civil and Political Rights
- Centro de Estudios Legales y Sociales (CELS)
- Center for the Human Rights of Users and Survivors of Psychiatry
- Conectas Direitos Humanos
- Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género
- Human Rights House Foundation
- Human Rights Law Centre
- International Commission of Jurists
- International Disability Alliance
- International Federation of Action by Christians for the Abolition of Torture (FIACAT)
- International Federation for Human Rights (FIDH)
- International Rehabilitation Council for Torture Victims (IRCT)
- International Service for Human Rights
- International Women’s Rights Action Watch (IWRAP) Asia Pacific
- Mental Disability Advocacy Center
- NGO Group for the CRC
- Open Society Justice Initiative
- World Network of Users and Survivors of Psychiatry
- World Organisation against Torture (OMCT)

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1. The resolution was tabled by the Russian Federation and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia, China, Cuba, the Democratic People’s Republic of Korea, India, Indonesia, Iran, Nicaragua, Pakistan, Syria, Sudan, Tajikistan, Thailand, Venezuela, Viet Nam, and Zimbabwe.

2. See OP3, A/RES/56/168. Note also the precedent set in the inter-governmental consultations on the Human Rights Council review in which civil society delivered statements to the General Assembly during informal plenary meetings.

3. UN Convention on the Rights of the Child, Article 45(a); UN Convention on the Rights of Persons with Disabilities, Articles 33(3) and 35(4).

4. NGOs also contribute their expertise to the development of general comments and submit information under the inquiry procedures, early warning/urgent procedures and through individual communications.

5. In addition to the consultations organized as a result of the Dublin Process, NGOs participated in treaty body reform meetings held in Liechtenstein in 2003, 2006 and in Berlin in 2007.