

united nations

inter-committee
meetings of the treaty
bodies, interventions
by amnesty
international

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2009 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2008

Index: IOR 40/007/2009
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Cover photo: [Credit]

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



8TH INTER-COMMITTEE MEETING OF THE UNITED NATIONS TREATY BODIES

INTERVENTION BY AMNESTY INTERNATIONAL UNDER ITEM (5), ENHANCING THE EFFECTIVENESS OF THE TREATY BODIES, A COORDINATED APPROACH, ON THE UNIVERSAL PERIODIC REVIEW MECHANISM, 1 DECEMBER 2008

Madam chair,

I take this opportunity to provide the Inter-Committee Meeting with some of Amnesty International's impressions of the universal periodic review mechanism (UPR).

The objectives of the UPR include: the improvement of the human rights situation on the ground; fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State; the enhancement of the State's capacity and of technical assistance, and, the encouragement of full cooperation and engagement with the Human Rights Council, other human rights bodies and the Office of the High Commissioner for Human Rights (OHCHR). There is thus plenty of scope for the UPR mechanism to complement the activities of the Treaty Bodies and for the committees to exploit the opportunities afforded by the UPR.

Amnesty International has actively participated in the UPR, including through contributing information about those States under review, encouraging participation by national civil society organizations, and contributing to the debate itself within the parameters established for non-governmental organizations (NGOs) to do so. States use the compilations prepared by OHCHR to consider and raise issues around compliance with international human rights treaties, such as questions about ratification, addressing legislative gaps to comply full with the treaties, withdrawal of reservations, regular reporting and reporting under the follow up procedure. Many of these recommendations have been accepted by the state, thereby becoming part of the final report.

There is clearly uneven practice in the questions put to different States about their treaty obligations. Nevertheless, it could be a useful mechanism to help focus the attention of States on the importance of following up on treaty body concluding observations to fulfil human rights obligations. It also provides a further opportunity to remind States which are members of the Human Rights Council to fulfil the promises made in their election pledges. We are aware that some of the Treaty Bodies are making interesting use of the recommendations coming out of the UPR process in their dialogue with States Parties and

this approach could be further pursued.

A challenge for the Treaty Bodies is how to craft concluding observations to ensure the identification of common trends and priority recommendations so that these can be contributed effectively to the UPR process.

We also encourage the sharing of information between the UPR mechanism and the Treaty Bodies so that any reports by States prepared for the process, as well as those prepared by NGOs and the OHCHR, are systematically provided to relevant Treaty Bodies. Following the consideration of a State under the UPR mechanism, the Treaty Bodies should be informed of any recommendations which are pertinent to the committees as this could provide an important avenue of follow up.

Finally, we would be interested to hear from the members of the Treaty Bodies as to whether they see any particular role for NGOs in their activities around both the UPR and the committees.

Thank you, Madam chair.

7TH INTER-COMMITTEE MEETING OF THE UNITED NATIONS TREATY BODIES

INTERVENTION BY AMNESTY INTERNATIONAL UNDER
AGENDA ITEM (7) MEETING WITH NON-GOVERNMENTAL
ORGANIZATIONS, ON THE UNIVERSAL PERIODIC REVIEW
MECHANISM, 24 JUNE 2008

Madam chair,

Thank you for this opportunity to share some of Amnesty International's impressions with members of the Treaty Bodies relating to the universal periodic review (UPR). As you are aware, the objective of the UPR is the improvement of the human rights situation on the ground, including through the fulfilment of the State's obligations and commitments. Although the UPR is a review in a political process, this objective is clearly complementary to the objective of the Treaty Bodies in their own consideration of State Party reports.

Amnesty International has been an active participant in the UPR and we have followed closely the review in the Human Rights Council and its UPR Working Group. Since January, the UPR has considered the situation in 32 member States. In the course of doing so, States have used the compilations prepared by OHCHR to raise compliance with the international human rights treaties, including questions around ratification, addressing legislative gaps in order to comply fully with the treaties, withdrawal of reservations, regular reporting, reporting under the follow up procedure. Many of these recommendations have also been accepted by the State, and thus form part of the final Report.

The UPR is at an early stage of development, and it is clear from the first reviews that there is an uneven practice in what is asked of different States about their treaty obligations. But there are encouraging signs that the UPR has the potential to be a complementary tool to the Treaty Bodies – one to help focus the attention of States in the importance of taking actions requested by the Treaty Bodies through their concluding observations in order to fulfil human rights obligations. It is also the opportunity to remind members of the Human Rights Council of the need to fulfil the promises they made in their election pledges.

Our incidental observation of recent deliberations of some Treaty Bodies suggests that recommendations coming out of the UPR process can be and are being used by the Treaty Bodies in their dialogue with States Parties, including reinforcing past recommendations. We encourage Treaty Bodies to pursue this approach

We also encourage you to continue to think about crafting concluding observations to ensure that common trends, and priority recommendations, are identified, both for the intrinsic value of such focussed recommendations and for their value as contributions for the UPR process.

Thank you, Madam.

6TH INTER-COMMITTEE MEETING OF THE UNITED NATIONS TREATY BODIES

INTERVENTION BY AMNESTY INTERNATIONAL UNDER
AGENDA ITEM (9), MEETING WITH NON-GOVERNMENTAL
ORGANIZATIONS, ON THE HUMAN RIGHTS COUNCIL AND
REFORM OF THE TREATY BODIES, 19 JUNE 2007

Chairman,

Thank you for this opportunity to share some of Amnesty International's observations with members of the Treaty Bodies relating to the Human Rights Council and on reform of the Treaty Bodies.

The members of the Human Rights Council have just adopted a President's Text establishing the modalities for the universal periodic review. As you recall, General Assembly resolution 60/251 demands that the review be "*based on objective and reliable information of the fulfilment of each State of its human rights obligations and commitments in a manner which ensures universality of coverage...*" and that it "*complement and not duplicate the work of treaty bodies*".¹ The review will take into account, among other things, the human rights treaties to which a State is a party, and their voluntary pledges and commitments undertaken when presenting their candidatures for election to the Council. The objective of the review as defined in the President's text is the improvement of the human rights situation on the ground including through the fulfilment of the State's obligations and commitments. It has been agreed that OHCHR will be responsible for preparing a maximum 10-page compilation of information contained in the reports of the Treaty Bodies, special procedures and other UN sources.

We recommend that the Treaty Bodies think about how their recommendations can be used in that process in light of the overall goal of universal periodic review of implementation. In practical terms, this requires keeping in mind the universal periodic review when crafting concluding observations so as to ensure that common trends are identified. Models such as those used by the Human Rights Committee and the Committee against Torture to highlight priority concluding observations could be useful in this regard.

Turning now to the election of members of the Human Rights Council. General Assembly Resolution 60/251 decided that "*when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto*".² Many States standing for election earlier this year responded by including specific commitments relevant to the international human rights treaties, and their treaty obligations.³ These included pledges to ratify treaties, (eg Qatar), to submit overdue reports (eg Nicaragua), to implement their treaty obligations (eg Egypt and Indonesia), and to encourage other States to submit their reports (eg Italy).

We welcome the efforts by the Committee on the Rights of the Child to take into consideration the pledges of States when reviewing periodic reports, as it did in the case of Mexico.⁴ We reiterate our recommendation from 2006 to encourage the Treaty Bodies to study the pledges made during the elections, with a view to following up on these commitments, as relevant.

We welcome continuing efforts to achieve increased unification of the Treaty Bodies system.

¹ A/RES/60/251, 3 April 2006.

² Ibid.

³ The pledges can be viewed on the main website of the UN, www.un.org. AI produced profiles on each candidate State which can be located at <http://web.amnesty.org/pages/un-index-eng>

⁴ <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.MEX.CO.3.pdf>

We believe there is still much to be done in making the system more visible and accessible to rights holders, including NGOs, by encouraging and facilitating their participation, which we see primarily as a function of the secretariats.

As we indicated last year, Amnesty International is keen to encourage increased transparency in the selection of Treaty Body members in order to attract a broad range of highly qualified candidates and Treaty Body experts.⁵ States must put in place a process at the national level which ensures transparency and broad consultation. This is starting to happen, as we saw in the recent nominations of candidates for the Sub-Committee on Prevention established under the Optional Protocol to the Convention against Torture. The Parliamentary Assembly of the Council of Europe recently adopted a resolution inviting member States to review their national selection procedures for members of the Committee for the Prevention of Torture.⁶ The recommendations contained in that resolution include: public calls for candidatures open equally to male and female candidates, consultations on suitable candidates with relevant State and non-governmental bodies, interviews with short-listed candidates and the systematic use of a standard form curriculum vitae to provide all relevant information on the candidates. Amnesty International encourages this Inter-Committee Meeting to consider what steps it could take to draw attention to best practices and to promote improved selection processes at the national level.

In these joint meetings each year, a number of very interesting ideas and recommendations are put forward by NGOs on a wide range of topics. I would like to suggest that there should be a public record of these statements on a treaty body extranet site, such as exists for the Special Procedures, which can be accessed easily by anyone at any time.

Thank you.

⁵ See <http://web.amnesty.org/pages/treaty-committee-membership-eng>

⁶ Resolution 1540 (2007), improving selection procedures for CPT members

5TH INTER-COMMITTEE MEETING OF THE UNITED NATIONS TREATY BODIES

INTERVENTION BY AMNESTY INTERNATIONAL UNDER
AGENDA ITEM (10), MEETING WITH NON-GOVERNMENTAL
ORGANIZATIONS, ON THE HUMAN RIGHTS COUNCIL AND
REFORM OF THE TREATY BODIES, 20 JUNE 2006

Madam chair,

Amnesty International thanks the members of the Inter-Committee meeting for this opportunity to share some observations relating to the Human Rights Council, the reform of the Treaty Bodies and their current working methods.

Amnesty International is pleased to note that the chair of this meeting will address the Human Rights Council (the Council) on Friday, and encourages the Treaty Bodies to use that important opportunity to raise issues around how the Council will be able to support the activities of the Treaty Bodies, as well as measures to be taken by the Treaty Bodies to support the Council.

The establishment of the Council provides a new channel through which the ratification and implementation of the international human rights treaties can be promoted. As the main organ within the UN system with responsibility for the promotion and protection of all human rights, the Council will base its activities on *“objective and reliable information”* and will *“promote the full implementation of human rights obligations undertaken by States”*.⁷

The Council has a specific mandate to: address gross and systematic violations; to promote technical assistance and capacity-building; to contribute to the prevention of human rights violations and to respond promptly to human rights emergencies. As the main expert bodies charged with considering implementation by States of their commitments under the international treaties, the Treaty Bodies are well placed to share an assessment of country situations and the application of international human rights law, which can assist the Council in the performance of its tasks.

This will be particularly important for the proposed universal periodic review. GA resolution 60/251 demands that the review be *“based on objective and reliable information of the fulfilment of each State of its human rights obligations and commitments...”* and that it *“complement and not duplicate the work of treaty bodies”*.⁸ A review which is based in part on an analysis of the priority concerns in a State as distilled from the findings and

⁷ General Assembly resolution A/RES/60/251, adopted on 15 March 2006.

recommendations of the Treaty Bodies, and which takes into account a State's record of ratification and compliance with reporting obligations, could encourage increased adherence to the international human rights treaties.

Turning now to the election of members of the Human Rights Council. Resolution 60/251 decided that *“when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto”*.⁹ Many States standing for election responded by including specific commitments relevant to the international human rights treaties, and their treaty obligations.¹⁰ Several States have pledged to ratify treaties (eg Djibouti, Iraq and Pakistan), and to consider providing for individual complaints (eg Latvia); some States have pledged to withdraw reservations (eg Finland, France, Republic of Korea and Morocco); some to submitting their reports in timely fashion (eg Armenia, Ghana, Nigeria and Venezuela) and some to implementing the concluding observations of the Treaty Bodies (eg Azerbaijan, Kyrgyzstan).

Amnesty International encourages the Treaty Bodies to study the pledges made during the elections with a view to following up on these commitments, as relevant. The pledges should form part of the country dossier prepared for Treaty Bodies by the OHCHR as background information for the consideration of States Parties reports. The Treaty Bodies could also request the OHCHR to prepare and update a dossier on members of the Council which includes steps taken to fulfil the implementation of the States' pledges. This would be shared on a regular basis with the Council.

As part of its campaigning work around the elections, and to complement information contained in the States' pledges, Amnesty International produced an electronic profile on each candidate country which included information about ratifications, reservations, and compliance with reporting requirements.¹¹ As a result of developing the Amnesty International profiles, we would like to highlight the importance of the OHCHR maintaining regularly updated information on its public website.

Finally in relation to the Council, it would be undesirable that the Council become involved in Treaty Body reform, as these discussions should take place among all States Parties.

Amnesty International supports measures aimed at achieving increased consolidation of the Treaty Bodies system and encourages the Treaty Bodies and the OHCHR to continue to take

⁸ Ibid. Operative paragraph 5(e)

⁹ Ibid. Operative paragraph 8

¹⁰ The pledges can be viewed on the main website of the UN, www.un.org. AI has produced a summary version of the pledges, disaggregated by the elements suggested by the High Commissioner for Human Rights, which can be downloaded from http://www.amnesty.org/resources/pdf/hrc/hrc_elections_pledges_overview.pdf

¹¹ The profiles microsite remains on the AI website at http://www.amnesty.org/un_hrc/

steps towards this goal. The High Commissioner's "*Concept Paper on the High Commissioner's proposal for a unified standing treaty body*" identifies many of the challenges facing the system, including the visibility, authority and access of the system by rights holders.¹² Amnesty International looks forward to exploring further how the proposed models for a unified Treaty Body could meet these challenges. We agree wholly with the OHCHR's assessment that structural reform alone will not provide a solution to all of the weaknesses associated with the existing system. There must also be concerted efforts to tackle some of the other underlying problems. The issue of membership of the Treaty Bodies is of particular concern to us in this regard.

The use of "lists of issues" has been a significant innovation in the working methods of all of the Treaty Bodies. Given the importance of the "list of issues" in determining the priority issues to be raised during dialogue, AI encourages all Treaty Bodies to standardize their practices so that lists of issues are treated as official documents of general distribution and translated accordingly. In addition, all Treaty Bodies should require States Parties to provide written responses to the lists of issues and questions in advance, and to translate and post these on the Treaty Bodies' webpages in advance of the public consideration of the State Party report. This will enable stakeholders to follow the Committee's dialogue with the State Party and assess the quality and accuracy of responses provided by the State.

Lastly, if as is hoped, the Treaty Bodies system is to become more visible and accessible to rights holders, consideration will need to be given to how the secretariats can facilitate increased participation by NGOs. Such measures could include the development of guidelines to explain the Treaty Body procedure and how NGOs might contribute to that process; providing translation and distribution of NGO materials to all Treaty Body members in advance of sessions, and maximum notification of States Parties reports scheduled for consideration.

¹² UN Doc. HRI/MC/2006/CRP.1, 14 March 2006

