

Opening Statement CERD, 91st session

Paulo David, Chief of Section, Capacity Building and Harmonization, Human Rights Treaties Branch

Chairperson, distinguished members, Excellencies,

I am very pleased to address you today at the opening of your 91st session and that the focus of today's engagement will be related to strengthening the capacities of States in engaging with the United Nations human rights treaty bodies.

You will all recall that as one of the outcomes of the treaty body strengthening process, the Treaty Body Capacity Building Programme was created.

Recognizing that many States have difficulties in living up to their multiple reporting obligations, GA resolution 68/268 designed a significant **capacity building programme** to “support States parties in building their capacity to implement their treaty obligations”.

As you know, the Programme was established at the outset of 2015:

- 1) for the first time we have a **properly resourced one-Office support function on engagement with the treaty bodies** and
- 2) we have a team operating across OHCHR headquarters and the field: 10 staff in 10 of our regional offices and 6 colleagues based in Geneva.

Having specialized colleagues on the ground makes in our experience a huge difference in terms of capacity to follow and sustain necessary support to ensure impact and positive results.

Already based on these last 1,5 years of experience, we can see that having specialized colleagues on the ground makes a huge difference in terms of OHCHR's capacity to follow and sustain necessary support to ensure impact and positive results.

Since the team's establishment, work processes have been developed and are running smoothly across 11 duty stations in all regions of the world. The Programme designed a "training tools package concept note" which was approved by the OHCHR Publications Committee and is finalizing work on a **general treaty reporting manual and trainers guide and has commenced work on treaty specific training manuals and trainers guides on the ICCPR and ICESCR** (which will be followed by Guides on all other treaties with the exception of CRPD, which already exists).

All staff are trained trainers on human rights and colleagues started to apply inter-active training and knowledge management techniques in the around 80 activities the team engaged in up to today.

More specifically, the Programme commenced enhancing skills and knowledge of Government officials. Some **170 State officials from 77 countries became trained-trainers** on treaty reporting and part of a network of State officials within their sub-region further to OHCHR train-the-trainers events. As of today, train-the-trainers events were held in:

- Samoa for 12 States from the Pacific (19-23 October 2015)¹;
- Barbados for 15 States from the Caribbean/ English speaking Americas (7-11 December 2015)²;
- Amman for 15 States from the Arab region (10-14 April 2016)³;
- Bangkok for 16 States from South East and North East Asia (23 to 27 May 2016)⁴;
- Douala (Cameroun) for 7 States from Francophone Africa (19-23 September 2016)⁵;
- Johannesburg for 12 States from Southern Africa (26 to 30 September 2016)⁶.

¹ Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. *Australia, New Zealand, Niue, Palau were unable to participate.*

² Antigua & Barbuda, Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, St Kitts & Nevis, Saint Lucia, St Vincent & the Grenadines, Suriname, Trinidad & Tobago, and the USA.

³ Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Tunisia, United Arab Emirates and Yemen. *No applications were received from Algeria, Bahrain and Syria.*

⁴ Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Indonesia, Japan, Lao PDR, Malaysia, Mongolia, Myanmar, Philippines, Republic of Korea, Thailand, Timor Leste and Viet Nam. *No application was received from Singapore.*

⁵ Burundi, Cameroun, Central African Republic, Congo, Democratic Republic of Congo, Madagascar and Tchad. *Djibouti and Gabon were unable to participate.*

⁶ Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Zambia and Zimbabwe.

State officials trained commit to apply their newly developed skills through replicating training activities at the national level and might be called upon to assist OHCHR in other sub-regional training activities to stimulate peer to peer learning and exchanges of good practices. The **TBCB Programme is maintaining a community of practice with all State officials trained. News from the treaty body system are shared with the respective community of practices at least once a month.**

Additionally, **State officials from some 50 countries increased their knowledge and skills** on the human rights treaties as well as treaty body reporting skills further to activities **conducted at the national level.**

You will be specifically interested in support for activities given around the Convention on the Elimination of All Forms of Racial Discrimination. To date, most support in this regard was provided in the Pacific in three countries of the region as well as in two countries of the Middle East and North Africa region.

In terms of concrete results achieved so far, the technical assistance provided by the Programme **resulted in:**

1. the submission of some outstanding State party reports. We are currently **working with some 20 countries** on the submission of outstanding reports to different treaty bodies.
2. a number of responses to list of issues/ list of issues prior to reporting (5 to date- mainly CMW);
3. updated new common core documents;
4. improved constructive dialogues before Committees (e.g. OHCHR webstory on Vanuatu before CEDAW); and
5. led to an increased interest in a number of countries towards establishing a National Mechanism for Reporting and Follow-up (NMRF). In this regard, the Programme launched a **Practical Guide and Study on NMRFs copies of which you find in the room.**

This area of work (National Mechanism for Reporting and Follow-up) has generated since two years very sustained and varied interest among Governments that are looking into ways to enhance capacity and ability to interact efficiently with the regional and international human rights systems.

In concrete terms:

- We are currently working with **12 countries in establishing a NMRF**. The latest success being Samoa, which just adopted a decree establishing its NMRF in September 2016.
- And we are currently working with **14 countries on the effective functioning of their existing NMRF**, this included for example supporting Mauritius in formalizing their NMRF through a legal mandate- also very recently.

Please allow me to also take a moment to highlight some of the key findings in our Guide and Study. The research underlying these documents is based on input received from **23 Member States**, with a closer focus on **8 case studies** (Bahamas, Cambodia, Mauritius, Mexico, Morocco, Portugal, Republic of Korea and Senegal).

The Guide defines an NMRF as a **permanent national governmental mechanism or structure** that is mandated to **coordinate and prepare reports to and engage with** international and regional human rights mechanisms (including treaty bodies, the universal periodic review and special procedures), and to **coordinate and track national follow-up and implementation** of the treaty obligations and the recommendations emanating from these mechanisms. It may be **ministerial, inter-ministerial or institutionally separate**.

The NMRF performs these functions in **coordination** with ministries, specialized State bodies (such as the national statistics office), parliament and the judiciary, as well as in **consultation** with the national human rights institution(s) and civil society.

The Guide suggests that State engagement with all three international human rights mechanisms can be enhanced if some key conditions are in place:

1. Firstly, **it is fundamental that a national mechanism for reporting and follow-up should be standing**, i.e., its structure should be maintained beyond the completion of a single report.
2. Secondly, an effective national mechanism **may benefit from a comprehensive formal legislative or policy mandate**, as well as a common intra-governmental understanding of its role and **political ownership** at the highest level.
3. Thirdly, the national mechanism should have **dedicated, capacitated and continuous staff**, building expertise, knowledge, skills, ownership and professionalism at the country level.

Regarding measuring the effective functioning of an NMRF, as identified in the Guide four capacities are providing a conceptual framework on the basis of which States can self-assess how they are doing:

- **Engagement capacity:** The capacity to organize and centrally facilitate the preparation of reports and responses to the human rights mechanisms (- this requires for example dedicated capacity and knowledge e.g. through the establishment of a permanent Executive Secretariat for such purposes with trained staff knowing about each international human rights mechanism and the establishment of standardized internal reporting guidelines and procedures or checklists for organize Special Procedures visits);
- **Coordination capacity:** The capacity and authority to disseminate information, and to organize and coordinate information gathering and data collection from government entities, the national office for statistics, parliament and the judiciary, for reporting and implementation of recommendations (- this requires for example a solid mandate, terms of reference, annual work plans engaging all relevant Ministries);
- **Consultation capacity:** The capacity to foster and lead consultations with the country's NHRI and civil society (-this could take the form of a dedicated focal point liaising with other stakeholders, regular consultations with different stakeholders etc.); and

- **Information management capacity:** The capacity to track the issuance of recommendations and decisions, thematically cluster them, develop follow-up plans, including timelines, with relevant ministries to facilitate implementation; and manage information regarding the implementation including with a view to preparing the next periodic report (- the need for clustering and managing information around implementation has of all recommendations has indeed become so increasingly evident with countries facing between several hundred to thousands of recommendations).

Let me add by saying that we believe NMRFs have the potential to become **one of the key components of the national human rights protection system**, bringing international and regional human rights norms and practices directly to the national level.

NMRFs build national ownership, empower line ministries, enhance human rights expertise in all ministries and sectors in a sustainable manner, stimulate national dialogue, facilitate communication within the Government, and allow for structured and formalized contacts with parliament, the judiciary, national human rights institutions and civil society.

Through such institutionalized contacts, the voices of victims and their representatives will also increasingly be heard.

And of course, all our engagement, on NMRFs and increasing States engagement with the treaty bodies, the UPR and Special Procedures should lead to increased implementation of the recommendations made by them for indeed an improvement of the human rights situation in each and every county in the world.

Thank you and my colleagues and myself look forward to now receiving your questions.