



STATEMENT BY AMNESTY INTERNATIONAL AND THE INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS

THE 27TH ANNUAL MEETING OF THE TREATY BODY CHAIRPERSONS

22-26 JUNE 2015, SAN JOSÉ, COSTA RICA

Amnesty International and the International Rehabilitation Council for Torture Victims (IRCT) are submitting this statement to you in advance of the 27th Annual Meeting of the United Nations (UN) Treaty Body Chairpersons.

It has been little over a year since the adoption of General Assembly Resolution 68/268 and the treaty bodies have already made several changes to their working methods, for example in relation to the endorsement of the Addis Ababa Guidelines by the respective treaty bodies, adoption of the Simplified Reporting Procedure and the appointment of rapporteurs or focal points on reprisals. We believe that the Chairpersons' Meeting is a key forum that should continue the harmonization of working methods and the sharing of good practises in order to continue to strengthen the system and address the challenges it faces.

We will focus this statement on two agenda items - the discussion and adoption of guidelines on reprisals and follow-up to General Assembly Resolution 68/268.

A. REPRISALS AND INTIMIDATION

The importance of NGO contributions to the work of the treaty bodies has been recognized on a number of occasion. Civil society play not only a key role in providing information in advance of country reviews but also in promoting implementation of the concluding observations at the national level in-between the presentation of reports. They must be able to provide that information without fear of reprisals. Individuals and their representatives that make use of the individual communications procedures must also be able to do so without risk of reprisals. The practice of reprisals against individuals and organizations that engage with the treaty bodies poses a risk to the whole system and merits an effective, decisive and coordinated response.

We note that all treaty bodies have already taken some initiatives to address reprisals, persecution and intimidation of individuals or NGOs that have engaged with or seek to engage with the treaty bodies. Five treaty bodies have appointed rapporteurs on reprisals, three have appointed focal points and two have mandated their bureaus to react to allegations of reprisals (HRI/MC/2015/3, paras. 16-42 and post-sessional update on Committee on Migrant Workers). In addition, some have adopted a policy on reprisals and also created specific webpages. We welcome these important steps.

We encourage the chairpersons to make combatting reprisals and intimidation a standing item on the agenda of the annual meeting as it provides a key venue to discuss trends across the system, to take collective action where this is merited by country specific situations, and to share good practises with other treaty bodies.

The discussion and adoption of guidelines on reprisals is most welcome. In light of these discussions we would like to make the following suggestions to the chairpersons for your consideration:

- **encourage all treaty bodies to adopt a zero tolerance policy against reprisals.**
- **develop common and comprehensive guidelines on *preventing* reprisals and intimidation in addition to *addressing effectively, allegations of reprisals and intimidation*. This should include specific preventive actions to be taken where a specific risk of reprisals is identified for example by non-governmental organisations or in connection with country reviews in other treaty bodies.**
- **where possible, agree common guidelines on the mandates of the focal points/rapporteurs appointed ensuring a broad and clear mandate to take all possible steps to prevent and address reprisals and intimidation.**
- **ensure that information about the focal point/rapporteur of each treaty body is easily available on the webpage of each treaty body, as well as communications sent, taking into consideration the risk of further reprisals against the individual.**
- **agree guidelines on the use of the constructive dialogue to effectively raise concerns around allegations of possible reprisals against individuals upon return. Ensure that the treaty bodies continue to do follow-up on individuals at risk after the conclusion of a session.**
- **set out cooperation with the UN special procedures and other entities in the UN system with a mandate to react to allegations of reprisals or intimidation.**
- **include in the common guidelines, a recommendation that all meetings between NGOs and the treaty bodies should be held in private session.**
- **consider joint actions by the chairpersons meeting in relation to grave situations of reprisals.**
- **include in the common guidelines, a recommendation that all treaty bodies make reprisals and intimidation a standing item on the agenda of their annual consultation meetings with States parties.**
- **include in the common guidelines, a recommendation to States parties that reprisals and intimidation become a standing agenda item at the biannual meetings of States parties.**

B. FOLLOW UP TO GENERAL ASSEMBLY RESOLUTION 68/268

1. ADDIS ABABA GUIDELINES

We welcome the adoption of the Addis Ababa Guidelines and the fact that they have now been endorsed by all treaty bodies. Real and perceived independence and impartiality is an essential element in ensuring that individual treaty body members are allowed to perform their mandate effectively and it is the basis on which the integrity of the treaty body system rests. Its importance cannot be understated. However, independence and impartiality is only of half of the equation. Members should also possess recognized competence and experience in the field of human rights, and as set out in Resolution 68/268, in particular in the field covered by the relevant treaty they are mandated to monitor. **We therefore encourage the treaty body chairpersons to promote a process whereby each treaty body elaborates an outline of the expertise needed for it to effectively implement its mandate. This would provide valuable guidance for nomination and election of experts and would have a positive impact on treaty bodies' ability to engage effectively with States on all issues covered by their mandate.**

2. CONSULTATION ON ELABORATION OF GENERAL COMMENTS

We welcome the proposal for the treaty bodies to adopt common guidelines of the elaboration of general comments and have taken note of the *Elements for endorsement by the treaty body chairpersons* (HRI/MC/2015/4). This will be a valuable step in the direction of making the work of treaty bodies more accessible to all stakeholders. **In this regard, it will be important that the common guidelines include elements of notifying and inviting contributions not only from States parties but from all interested stakeholders including civil society organisations, national human rights institutions and others interested stakeholders (15(d)).**

3. ACCESSIBILITY INCLUDING WEBCASTING, VIDEOCONFERENCING, LANGUAGES, AND STRUCTURE OF INTERACTIVE DIALOGUE

In recent years the treaty bodies have made great progress in making their work more accessible to all stakeholders including through the external communications strategy, website revisions, the permission for NGOs to webcast State reviews, and the ad-hoc use of videoconferencing to connect with persons not present in Geneva. We welcome that OHCHR is scheduled to take over the webcasting function as of January 2016. This is a very welcome institutionalisation of a key measure for transparency and accessibility of the work of treaty bodies.

We take this opportunity to make two concrete observations on measures that can further enhance transparency and accessibility of the work of treaty bodies. These could be promoted by the treaty body chairpersons to ensure coherence across the system.

- We note that some treaty bodies have used videoconferencing on an ad-hoc basis to communicate with relevant stakeholders who were unable to be present in Geneva. Video conferencing may be useful to facilitate exchange of information in relation to State party reviews, discussions on proposed general comments, individual communications and follow-up. **We encourage the meeting of treaty body chairpersons to consider this experience and develop measures for institutionalising this practice across the treaty body system. To ensure that videoconferencing truly enhances accessibility of the treaty bodies, it will be important to address issues relating to interpretation services for videoconferencing and to develop modalities to ensure that videoconferencing is only a last resort alternative to in-person meetings.**
- The webcasting of the interactive dialogue in State reviews has already proven itself as a very useful tool to make the deliberations behind the concluding observations accessible to national stakeholders. On several occasion, issues addressed during the interactive dialogue have subsequently become subject of robust domestic debate focused on enhancing human rights protection. **The general accessibility and the impact of the webcast could be further enhanced were the treaty bodies to adopt methodologies for their interactive dialogue where issues are addressed in thematic clusters. This would make the discussion on individual themes significantly easier to follow and understand for national stakeholders who do not engage with the treaty body system on a regular basis.**

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