This paper has been prepared to provide ICC members background information about the ongoing inter-governmental process to strengthen the United Nations treaty bodies.

The paper also illustrates how the ICC and NHRIs have contributed so far to the process as well as how NHRIs may contribute in the process’ future stages.

**How was the treaty body strengthening process established?**

Following two months of negotiations, on 23 February 2012 the General Assembly passed a resolution creating the *Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system*.\(^1\) The resolution was tabled by Russia and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia, China, Cuba, the Democratic People’s Republic of Korea, India, Indonesia, Iran, Nicaragua, Pakistan, Russian Federation, Syria, Sudan, Tajikistan, Thailand, Venezuela, Viet Nam, and Zimbabwe.

The resolution requests the President of the General Assembly (PGA) to launch an intergovernmental process to conduct negotiations on strengthening and enhancing

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the effective functioning of the treaty body system. The resolution also requests the PGA to appoint two co-facilitators to assist him in that regard.

**Was the resolution adopted by consensus?**

Though the resolution was passed with 85 votes in favour - and while no State abstained - 66 States made their procedural and substantive concerns with the resolution known by abstaining from the vote.

A key area of concern for States was the scope of the process and how it would relate to the two-year multi-stakeholder process led by the UN High Commissioner for Human Rights, known as the *Dublin process*,\(^2\) and the various proposals made during that process. Proposals made during this process include the contribution of NHRIs known as the *Marrakech Statement* on strengthening the cooperation between NHRIs and the treaty bodies.\(^3\)

Another critical aspect was the provision on the participation of key non-state stakeholders in the process, including treaty bodies, national human rights institutions and non-governmental organisations (NGOs).

**What has been the process so far?**

At the end of June 2012, the High Commissioner presented her report on the treaty body strengthening process.\(^4\) The report compiles all substantive multi-stakeholder contributions made during the Dublin process, including those of states, treaty body experts, NHRIs and NGOs. Based on these contributions, the report makes some key recommendations towards strengthening the treaty bodies.

The PGA appointed two co-facilitators of the intergovernmental process, the Ambassadors of Iceland and Indonesia, who led consultations with States in New York on 2 July and again from 16-18 July 2012.

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\(^2\) [http://www2.ohchr.org/english/bodies/HRTD/index.htm](http://www2.ohchr.org/english/bodies/HRTD/index.htm)

\(^3\) [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)

\(^4\) [http://www2.ohchr.org/english/bodies/HRTD/docs/HCReportTBStrengthening.pdf](http://www2.ohchr.org/english/bodies/HRTD/docs/HCReportTBStrengthening.pdf)
Discussions amongst States evolved around four broad areas, mainly based on the High Commissioner's report and recommendations contained therein:

- the proposal for a comprehensive reporting calendar;
- treaty bodies' methods of work;
- the reporting process; and
- States' capacity to implement.

While the High Commissioner's proposals found principled support by a number of States, including the idea of a comprehensive reporting calendar and suggestions to make the treaty body system more accessible to all stakeholders, several States made new proposals. This includes the establishment of a code of conduct for treaty body experts, equitable geographical representation in the treaty bodies, and increased transparency of interaction between the treaty bodies and non-state stakeholders.

**How did the ICC of NHRIs and other stakeholders engage in the process so far?**

A challenge for NHRI and other stakeholders' participation from the process' inception is grounded the resolution's provision for the participation of key non-state stakeholder. Resolution 66/254 requested the PGA to work out “separate informal arrangements, after consultation with Member States” that would allow treaty bodies, NHRIs and “relevant” non-governmental organizations to provide input and expertise, “bearing in mind the intergovernmental nature of the process”. These modalities are in contrast to the inclusive multi-stakeholder approach during the Dublin process, as well as to established rules and practices at the Human Rights Council and its mechanisms.

The ICC and NGOs, with the support of a number of states, advocated for the development of inclusive and transparent procedures that would ensure the most effective contributions of NHRIs, NGOs and treaty bodies to the process.
The ICC published an Advocacy Paper\(^5\) to this end and transmitted them to the PGA, the two co-facilitators and member states in both New York and Geneva. The ICC’s proposals were supported by a number of states, including in the context of the 2012 Human Rights Council resolution on NHRIs, adopted in early July 2012.

In the end, the ICC Chair was invited to participate in the formal opening of the consultations in mid-July in New York, where he presented a statement\(^6\) on the ICC’s behalf. ICC Regional Chairs from Africa and Europe participated as speakers on formal panels and during a side event. NHRIs and NGOs were also able to observe the discussions amongst States and take the floor during side events.

At the invitation of the Northern Ireland Human Rights Commission, members from the European Group of NHRIs met in Belfast, Northern Ireland, on 31 July 2012, to develop a substantive NHRI response to the treaty body strengthening process.

The *Belfast statement*,\(^7\) was adopted by participating NHRIs from the European Region, and, following a broad consultation process involving ICC members in all regions, the statement was endorsed by the ICC as a whole.

**Next steps**

The co-facilitators concluded their work in mid-September with a non-substantive progress report to the PGA\(^8\) that describes the consultations and highlights the key areas of discussions. Among others, the co-facilitators recommend that a comprehensive cost review of the treaty system be provided by the end of 2012.

On 17 September 2012, Member States adopted a consensus resolution\(^9\) extending the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system (66/295).

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5 [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)
7 [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)
8 [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)
9 Resolution A/RES/66/295
The process is to “build upon the discussions held thus far with a view to identifying ... concrete and sustainable measures needed” to strengthen the system.

**How can NHRIs engage in the extended process?**

The ICC will continue to advocate for NHRI direct contribution opportunities in the process. It is anticipated that the arrangements for NHRI participation in the initial consultations in mid-July will be replicated throughout the inter-governmental process.

Outside these formal meetings, NHRIs may engage with their respective states as well as non-governmental organisations.

Specific themes may include

- That states, through their New-York representation, support the most effective participation of NHRIs, NGOs and treaty bodies in the ongoing process;
- That states consider supporting advocacy elements identified by NHRIs in the *Belfast Statement*.\(^{10}\)

The non-exhaustive list of issues identified by the co-facilitators is contained in the report of the President to the GA.

**How can NHRIs be kept informed?**

All documentation on the treaty body strengthening process and ICC advocacy are available on the ICC webpage.\(^{11}\)

Following the adoption of the Belfast Statement, each ICC region has appointed a NHRI focal point on the treaty body strengthening process. Contact your regional focal point or regional coordinator, if you wish further information.

\(^{10}\) [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)

\(^{11}\) [http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx](http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx)
The OHCHR has established a specific section on its webpage\textsuperscript{12} on the process and notifies NGOs and NHRIs of developments. NHRIs may contact the OHCHR Civil Society Section at civilsociety@ohchr.org to receive notifications and summary information.

Additional up-to-date information about negotiations also is available from the International Service for Human Rights at \url{www.ishr.ch/treaty-body-reform}.

\textsuperscript{12} \url{http://www2.ohchr.org/english/bodies/HRTD/}. 