

**Informal Technical Consultation for States parties on
Treaty Body Strengthening
Sion, Switzerland, 12 – 13 May 2011**

Closing remarks by the High Commissioner, 13 May 2011

Excellencies,

Dear treaty body Chairs,

Dear colleagues,

I am very pleased that the Chairpersons and I have organized this meeting, with the support of the International Institute of the Rights of the Child and the Swiss authorities.

During these two days this room seated 150 participants representing almost 90 countries. This clearly demonstrates the strong interest in the treaty body system.

I would like to conclude this meeting by summarizing some of the main points that I have heard during these two days.

I have heard from many speakers that the primary objective of the treaty body system and its strengthening is the protection of rights holders at the national level and for this purpose the implementation of relevant international human rights treaties by State parties. I entirely concur.

In relation to the States party reporting process, I sensed great support to rationalize and focus the reporting obligation as much as possible. The List of Issues Prior to Reporting seems to respond to this need bearing in mind that it will be further evaluated and possibly fine-tuned by those Committees which have engaged in this direction. It is of course of an optional nature and allows for flexibility on the part of States parties.

The question of pages limits has also been invoked by many of you and I heard some varied views on it. This issue typically reflects the inherent contradictions in discussing the strengthening of the treaty bodies. On the one hand States ask the treaty bodies to be more efficient and save costs and on the other they ask for flexibility in the way they report. A middle ground is required. The UPR experience shows that page limitations can be an option.

Another question that I found interesting and that I think merits further reflection is how the treaty bodies can provide advice to States parties upon their request outside of sessions.

Regarding the need for national consultation in the preparation of States parties reports, I believe there was a good exchange of various national experiences and it would be useful to compile a study on good practices on reporting including institutional structures and the use of new technologies.

As to the constructive dialogue the value of a face-to-face dialogue was emphasized and many supported the idea to complement this with video conferencing to broaden access to the process. Also, webcasting and audio-casting seem to gather broad support in all consultations that were held to date. The key issue here is that this costs money. Rough estimates for webcasting lie at over one million US dollars per year; but we will prepare a precise costing in my report of 2012.

During the discussions on the constructive dialogue but also during the discussion on the independence and expertise of treaty body members we heard the need for self-discipline, stronger chairing, and better time management, the need for focusing the work and the dialogue on treaty obligations, through possible explicitly linking questions to articles in the treaty. Suggestions were also made as to balancing the time when the Committee and the State party delegation take the floor. Limiting the dialogue to three hours with the provision of questions prior to the dialogue was proposed and several speakers requested that the identity of the country rapporteur be made public.

On implementation at the national level, I thank you for sharing with me your experiences in implementing recommendations of the treaty bodies. Many of you had quite specific suggestions that you encouraged including the holding of regional sessions, closer collaboration with regional mechanisms, strengthening follow-up procedures, establishing or using existing IT tools, such as the Universal Human Rights Index, for continued monitoring as well as encouraging my own Office and other UN entities to be actively engaged in assisting States with implementation.

Concluding observations were overall regarded as a crucial tool to guide the implementation of treaties at the national level. I also heard that there is room for improvement, including by better reflecting positive measures taken by State parties. Others wished to see the concluding observations more focused and limited in length. The format and quality of concluding observations will be discussed by all treaty bodies at their next Inter-Committee Meeting at the end of June.

After two days of discussions about all of the problems facing the treaty bodies, this exchange about national implementation reaffirmed that the treaty bodies are indeed a jewel of the international human rights protection system.

As to the independence of experts, we have heard that the election system is central to the quality and sound functioning of the treaty body system. Any proposal for strengthening the treaty body system should not infringe on this principle. The proposal to have guidelines on eligibility and independence of treaty body members was seen as a key tool to achieve this objective. We listened with great interest to the recent good practice of national processes to nominate a candidate in an open and transparent manner. The new model of the Advisory Panel for the election of judges on the European Court on Human Rights could also bring some suitable elements to the treaty body election process. The need to consider the principle of limiting terms, as spelled out in the most recent international human rights treaties, is also a principle that merits to be discussed in the frame of the other older treaties.

In addition to the principle of independence, I noted that participants also discussed expertise and gender balance as the other crucial principles. This indeed also merits close attention in the election process. In relation to these two last points, many participants have expressed the view that committees should represent varied professional backgrounds and skills as well as gender balance.

Generally speaking, I can only reiterate that the treaty bodies are independent expert bodies as enshrined in the treaties. They are mandated by the treaties to adopt their own rules of procedures. I also believe that they will benefit from carefully considering points made by States parties.

As to resources, we have for the first time, I believe, tried to give the full picture as to what the support to the treaty bodies entails: Around USD 19 million annually from the human rights programme and around USD 30 million annually from the conference management side.

The treaty body system currently struggles to operate under present resources with a 30% rate of compliance with reporting obligations. In other words, the present level of resourcing is insufficient even when presuming 70% of non-compliance. I find this is unacceptable, especially given the many sacrifices treaty body experts have agreed to in order to be more cost effective.

We need your support in preparing the submission of PBIs for all treaty bodies reflecting the actual costs of the system, if it were to function at 100% compliance and reflecting the growth of workloads in recent years, which has also never been reflected through commensurate resources for each treaty body. I also count on your support that staff working with the treaty bodies be funded from the regular budget. I would like to thank the Division for Conference Management for joining us today in the discussions and would like to invite them to continue their dialogue with the Committees to discuss possible savings in the area of conference services.

The debates were frank and rich though I have to admit none of the consultations, including this one in Sion, has really come-up with a full and satisfactory proposal to match the many challenges that the treaty bodies are facing on a daily basis. However, this process is an ongoing one.

It has brought a number of dilemmas to the forefront, namely specificity versus harmonization and efficiency/savings versus impact in a reality of continued expansion of the treaty body system. I will continue my reflection on how to capture this in my report. And as I mentioned in my opening remarks, consultations will proceed until the end of this year and I will continuously seek your contributions.

In closing, let me thank our wonderful hosts again, Jean Zermatten and his efficient team who secured a smooth running of proceedings and a highly enjoyable dinner. I would also like to thank the interpreters.

Most importantly, I thank you, respected Chairpersons for being here with me. I think we all learned a great deal during these two days and will transmit the participants' views to our respective constituencies. I thank my OHCHR and UNOG colleagues and now release you all into your well-deserved weekend.

Thank you.