

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Organization: Lawyers' Rights Watch Canada (LRWC), NGO in Special Consultative Status
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Speaker: Catherine Morris, Executive Director, Lawyers' Rights Watch Canada

Fundamental pillar of the UN human rights system: Expertise, Independence, and Impartiality of UN Human Rights Treaty Body System¹

Lawyers' Rights Watch Canada thanks the facilitators for the opportunity to participate in this consultation. The Treaty Body system is often described as a "pillar" of the UN human rights system. We concur. The Treaty Bodies' effectiveness for improving States Parties' human rights performance has been documented for States that regularly engage with the Treaty Bodies.²

Therefore, we respect the work that has been undertaken to strengthen the Treaty Bodies, including the 2012 Addis Ababa Guidelines, Resolution 68/268,³ and this 2020 review process.

My remarks are confined to issues of expertise, independence, and integrity of Treaty Body members. We emphasise that States Parties have treaty obligations to ensure these qualifications. Yet, a number of States Parties continue to nominate persons with ties to governments. Nomination processes, with few exceptions, are not transparent. There is no pre-election process by which to objectively evaluate whether nominees' qualifications meet the treaty requirements.

We recommend increased emphasis on independence, impartiality, expertise, and integrity of the Treaty Bodies. Adequate expertise entails gender balance. Independence entails provision of resources sufficient for effective and timely fulfilment of Treaty Body mandates, respecting the Treaty Bodies own rules and procedures.

We recommend that future Treaty Body strengthening processes:

1. Establish an accessible platform for treaty body elections, encouraging States to set out clear and substantiated information about their nominees' qualifications and affiliations, measured against specific treaty-based criteria.
2. Encourage States Parties to adopt national policies and processes to facilitate fulfilment of treaty obligations to nominate only persons with recognized expertise, independence, and integrity;
3. Urge States to make contributions that are sufficient to ensure independent and effective Treaty Body functioning.

Thank you.

¹ This statement is based on research for a memo entitled "Fundamental pillar of the UN human rights system: Expertise, Independence, and Impartiality of UN Human Rights Treaty Body System," LRWC, August 2020, available at <https://www.lrwc.org/ws/wp-content/uploads/2020/08/ElectionsUNTreatyBodies.28August2020.F.pdf>

² C.D. Creamer, and B.A. Simmons. "The Proof is in the Process: Self-Reporting Under International Human Rights Treaties." *AJIL* 114(1)(2020): 1-50,

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3147&context=faculty_scholarship.

³ GA Resolution 68/268, 9 April 2014, available at: https://www.ohchr.org/Documents/HRBodies/TB/HRTD/A-RES-68-268_E.pdf