

Strengthening the United Nations Human Rights Treaty Body System

Dublin II Meeting

Dublin, 10 – 11 November 2011

Outcome Document

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Introduction

1. The world community, since 1948, has crafted a remarkable framework for the protection of human rights. Founded on such principles as universality, indivisibility and non-discrimination it has developed oversight mechanisms at the regional and international levels. These mechanisms include judicial, quasi-judicial, diplomatic and other elements.
2. At the heart of the global human rights framework is the treaty body system. Through voluntary and sovereign decisions, States commit themselves to implement and respect the legal obligations provided for in each international human rights treaty. Treaty bodies are independent bodies mandated to review a State's implementation of its human rights obligations. Their recommendations derive from legal obligations of the State found in the human rights treaties. Their independence guarantees objectivity and a non-selective approach to all human rights as well as their legal nature removes them from political context. Treaty bodies play a fundamental role in promoting and protecting human rights at the national level. They provide regular guidance to States; generate advocacy platforms for national human rights institutions (NHRIs) and non-governmental organisations (NGOs); and their Concluding Observations and Views/Opinions constitute the basis of other human rights monitoring mechanisms, particularly the United Nations (UN) Human Rights Council's Universal Periodic Review (UPR).
3. Treaty bodies undertake a range of complementary functions. All but one of the treaty bodies review periodic reports submitted by States, most issue General Comments or Recommendations regarding the provisions of the various treaties and many consider individual communications and undertake inquiries, while one, the Sub-committee on Prevention of Torture, operates largely through field missions. They carry out these functions pursuant to committee-specific rules of procedure and with the support of a UN secretariat. The interrelationship between the different functions of treaty bodies is one of their distinct strengths. These activities are integral to the application of human rights standards and the effective implementation by States of their human rights obligations.
4. Over the past four decades the capacities of the system have been stretched to their limits for many reasons including the inadequacy of resources. The multiplication of treaties, monitoring bodies and corresponding procedures has allowed for increased and more specific protection of a growing number of rights holders' groups. However, it has also meant that the system has become increasingly complex, opaque and cumbersome. It has long been recognised that the system would benefit from tangible and innovative reform and strengthening, in order to render it more efficient and effective, robust, sustainable, and accessible.

5. Strengthening the treaty body system must result in strengthening the capacity of rights-holders to enjoy their human rights. Any such initiative should adopt a rights-holder approach and result in greater protection of human rights on the ground. Strengthening initiatives should be evidence-based and take account of the accomplishments of the treaty body system as well as of misconceptions and overlooked successes. They should be guided by the basic principles of human rights such as universality and non-discrimination, as well as non-regression, intersectionality and the principle of substantive equality. Action to strengthen the system must have the ultimate purpose of promoting and protecting the human rights of all persons, including men and women, children, persons with disabilities, migrant workers and persons vulnerable to racial discrimination.
6. The story of the development of the treaty body system is replete with commentary on its possible reform and the delivery of some strengthening initiatives. Numerous proposals have been developed, many of which have been implemented, at least since the late 1980s. However, major UN initiatives to enhance the treaty body system only occurred with the launch of UN reform initiatives by the then Secretary-General, Kofi Annan, in the early 2000s. A number of initiatives were launched by the treaty bodies themselves and the UN Secretariat. In 2006 the then UN High Commissioner for Human Rights presented a 'concept paper' suggesting the creation of a unified treaty monitoring body. However, the proposal received only scant support at the time and was not pursued.
7. In autumn 2009, High Commissioner Navanethem Pillay, during the Human Rights Council and General Assembly sessions, called on all stakeholders to initiate a process of reflection on ways and means to strengthen the treaty body system, on how to achieve better coordination among these mechanisms and in their interaction with other UN human rights mechanisms, such as the Human Rights Council's Special Procedures and the UPR. In response to the High Commissioner's call, the Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System was adopted by 36 current and former treaty body members in November 2009 (the Statement was facilitated by the University of Nottingham Human Rights Law Centre).
8. The Dublin Statement paved the way for the current treaty body strengthening process. It did not present detailed solutions or specific reform outcomes. It marked out key parameters, objectives and methods for a successful reform programme. The Dublin Statement constitutes a 'road-map' for a reform that abides by identified standards of good practice.
9. A rich series of consultations organised by stakeholders and the Office of the High Commissioner for Human Rights (OHCHR) has taken place since the Dublin Statement. They have all resulted in the adoption of statements or reports which outline various proposals to strengthen the treaty body system. NHRIs met in Marrakesh in June 2010. This was followed in September 2010 by the Poznan Statement, with seven treaty body

chairs among its signatories. Twenty one NGOs issued a written response to the Dublin Statement in November 2010. A consultation occurred in Geneva on the improvement of implementation and follow-up and maximisation of complementarity among treaty bodies, special procedures and UPR in November 2010. Two civil society consultations were held in Seoul in April 2011 and in Pretoria in June 2011. Twenty three NGOs published a joint statement on individual communications procedures in October 2011. A high level event involving representatives from all stakeholder groups was held in Bristol in September 2011. A technical consultation for States was held in May 2011 in Sion. One further consultation was held in Luzern for academic experts, in October 2011, and two for UN entities and regional mechanisms were held in New York and Geneva, in October and November 2011. Treaty body experts held a number of weekend retreats between October 2010 and May 2011 and one specific consultation on individual communications in October 2011.

10. A culminating event in this succession of meetings and statements has been “Dublin II” (facilitated by the University of Nottingham Human Rights Law Centre), which brought together chairpersons and other members of treaty bodies (acting in a personal capacity), together with the convenors of the various events as well as other experts. Appreciation is expressed to the Government of Ireland for the support it has provided for the convening of the Dublin I and Dublin II meetings.
11. The present Outcome Document draws together the results of the reflection process providing a strategic synthesis of the proposals that have emerged as well as clear recommendations to all relevant stakeholders. It is acknowledged that some of these initiatives are already under way. While additional resources will be needed to implement some of the recommendations in this outcome document, many of these can be put into practice with existing resources. In fact, some of the recommendations if implemented will allow reducing costs incurred by various stakeholders involved in the system.

General Measures for Treaty Body Strengthening

12. Action for treaty body strengthening is required from all the stakeholders, treaty bodies, States, OHCHR and other UN bodies, NHRIs, NGOs, and others. Within States it engages the responsibility, as relevant, of the executive, the legislature and the judiciary. At the level of the UN it requires action on the part of all of its components, and not just OHCHR.

Ratification, Acceptance of Procedures and Withdrawal of Reservations to Treaties

13. All stakeholders – treaty bodies, States, NHRIs, NGOs, OHCHR and other UN bodies, civil society - should actively promote the ratification without reservations that are incompatible with the object and purpose of the treaties, and the acceptance of communications and inquiry procedures. They should also promote the withdrawal of all impermissible reservations.

Recommendations to Treaty Bodies

14. Treaty bodies should monitor and regularly address the issue of impermissible reservations to their treaty of competence. Equally treaty bodies should call upon States to accept the communications and inquiry procedures laid down in their respective treaties.
15. Treaty bodies should ensure that impermissible reservations to human rights treaties are consistently addressed in all dialogues with States.

Recommendations to States

16. States should ratify or otherwise accede to all international human rights treaties, without reservations that are incompatible with the object and purpose of the treaty, and accept communications and inquiry procedures. They should also regularly review all reservations with a view to their withdrawal and should immediately withdraw any impermissible reservations.
17. States to a treaty should formulate timely objections to reservations that are incompatible with the object and purpose of the treaty.

Recommendations to OHCHR/UN

18. OHCHR should strengthen its efforts to encourage States to ratify human rights treaties, accept communications and inquiry procedures, and withdraw reservations that are incompatible with the object and purpose of the treaty.

Membership

19. The independence of treaty body members is crucial in discharging their mandates. Guarantees for independence, expertise, competence and availability should be strengthened in the context of elections of members to treaty bodies and during their terms of appointment. Consideration should be given to gender, geography, professional fields, and legal systems in determining the final composition of the treaty body.

Recommendations to Treaty Bodies

20. The Annual Meeting of Chairpersons of the treaty bodies should develop and adopt guidelines on eligibility and independence of experts for consideration by States in the electoral process.

Recommendations to States

21. States should consider means to ensure that all candidates for membership in a treaty body are nominated through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area and willingness to take on the full range of responsibilities related to the mandate of a treaty body member. Given the disparity between men and women serving on treaty bodies, specific measures should be taken to encourage women to apply for treaty body positions and men for positions in the Committee on the Elimination of Discrimination Against Women. States should refrain from nominating persons currently serving as government officials, or occupying positions that might give rise to conflicts of interest or otherwise interfere with the tasks of treaty bodies. The candidates should be fully aware of the nature and scope of their future responsibilities, including the amount of time and the extent of the duties required for carrying out their important mandates. For the future, without prejudice to the existing mandates of treaty body members, membership terms should, as a general rule, be limited to a maximum of two full terms in order to ensure the renewal and diversity of membership of the treaty bodies. New treaty body members should continue to receive a thorough orientation or induction before commencing their duties. Replacement of members who resign before their term has ended, nominated by States should be subject to a similar scrutiny as regards their independence and expertise.
22. States should fully respect the independence of treaty body members and avoid any act that would interfere with the exercise of their actions.
23. States should consider means to establish a formal consultative, open and transparent national selection process involving NHRIs, civil society actors and others to consider possible nominations and make recommendations to government. Selection processes at the national level should include clear lists of requirements for nominees for election to the human rights treaty bodies, and should promote gender balance in the membership

of the committees and access for persons with disabilities to membership in all committees.

Recommendations to OHCHR/UN

24. OHCHR should prepare an information note with practical issues including on the duties of members to be distributed when an election is to be organized to all States that have the authority to nominate candidates and potential candidates, and this note should be made publicly available.

Harmonisation of the Treaty Body Procedures

25. Harmonisation across the treaty body system of reporting and individual communication procedures adds greatly to their effectiveness and efficiency and for the better promotion of human rights and protection of victims of human rights violations. Insufficient harmonisation of working methods and modalities of interaction with stakeholders reduces their capacity to significantly contribute to the work of the treaty body system. Greater coherence is needed to achieve efficiency, accessibility and impact on the ground.

Recommendations to Treaty Bodies

26. Treaty bodies should ensure that Committee Chairpersons are mandated to take decisions in respect of working methods and procedures, which are common across the treaty body system and have previously been discussed and agreed to within each of the Committees, with particular reference to reporting and individual communications procedures. Such a measure would be implemented by all treaty bodies, unless a Committee subsequently dissociates itself from it.
27. The Annual Meeting of Chairpersons of treaty bodies, as well as related working group meetings, are important contexts for the harmonisation of the working methods of treaty bodies.

Collaboration with Other Human Rights Mechanisms

Recommendations to Treaty Bodies

28. Treaty bodies should work more closely with mandate holders of the Human Rights Council's Special Procedures. A more systematic approach should be adopted for the follow-up of respective recommendations, in particular by systematically sharing priority issues in relation to country and thematic situations. Similarly, reference to and follow-up to the recommendations and Views/Opinions of treaty bodies should be reinforced by mandate holders in their reports and country visits. Regular interaction

should take place during annual meetings or other occasions. When relevant, country-specific or thematic mandate holders should brief treaty bodies in the context of country reviews.

29. Joint action, facilitated by OHCHR, for follow-up to recommendations should target both local and global actors in order to have greater impact. Such activities could include round-table discussions with local actors and engagement with the media, UN Country Teams (UNCTs) and OHCHR field offices.
30. UPR can contribute to the overall goals of the treaty bodies by providing a vehicle through which States can be encouraged to give increased attention to treaty bodies' Concluding Observations and Views/Opinions/Decisions, ratify certain treaties, withdraw reservations, and submit overdue reports. Treaty bodies should consider how best to maximize these contributions through the regular sharing of information. Both systems should work in complementarity to improve human rights on the ground. Concluding Observations and Views/Opinions/Decisions crafted with specificity would increase their effectiveness as contributions to the UPR, as would prioritisations of treaty body recommendations overall.
31. Treaty bodies should engage more closely with regional human rights mechanisms on matters such as procedure, methods of work and jurisprudence. To that effect, encounters between treaty body members and members of the regional mechanisms should be organized periodically.
32. Additional efforts should be made by both the treaty bodies and the regional mechanisms to take into consideration their respective jurisprudence so as to seek coherence and avoid any unnecessary fragmentation of international human rights law while ensuring the highest standards of protection prevail.

Recommendations to OHCHR/UN

33. Where relevant and while preserving the confidentiality of the respective procedures, an institutional link should be established between the Petitions Section of OHCHR and the secretariat of the regional mechanisms to allow the exchange of information on procedural matters.
34. UN agencies, offices and programmes should engage in treaty body reviews and follow-up, including by providing visibility to the system, human rights education, training and maintaining dialogue with national actors before and after reporting. The role of UN entities in following up on treaty body recommendations, particularly at the national level through the UNCTs should be strengthened. A rights-based approach should be enhanced in all UN agencies, offices and programmes.

Promoting Knowledge of the Treaty Body System

35. Public awareness of the treaty body system outside specialist communities is very low. In order to address this, a dedicated outreach and communication effort by all relevant stakeholders is needed.

Recommendations to Treaty Bodies

36. Those treaty bodies that have not yet done so should develop media strategies, with the support of OHCHR, to raise awareness and enhance dissemination and implementation of recommendations at the domestic level.

Recommendations to States

37. States should disseminate all related proceedings and outputs of the treaty bodies, including translations in official languages of the State and by means of public libraries, electronic information platforms and elsewhere. This could be achieved, for example, through follow-up meetings to Concluding Observations and Views/Opinions/Decisions of treaty bodies with the participation of Parliament, the legal profession, ministries and other public authorities, NHRIs, NGOs and other relevant actors of society.

Recommendations to OHCHR/UN

38. In order to raise awareness of the UN human rights system as a whole, OHCHR should develop an overall communications strategy to effectively disseminate and publicise the collective information produced by the treaty bodies, special procedures, UPR and other UN human rights mechanisms. This should include, for example, regular newsletters and press releases with case summaries when treaty bodies adopt decisions on individual communications. OHCHR's regional offices should play an important role in outreach and dissemination, through the appointment of dedicated focal points.
39. Resources permitting, to facilitate implementation and ensure greater access by national stakeholders to the treaty body sessions, some – though not all – treaty body sessions should be held outside Geneva and New York, in different regions. Their schedule could be rearranged with a regional focus as necessary and appropriate. Notwithstanding increased resource requirements, the occasional holding of treaty body meetings in the region will enhance capacity building and visibility opportunities. Possible challenges acknowledged in terms of funding, time efficiency and logistical arrangements could be understood as an investment in higher visibility of the treaty bodies, as an investment in networking and as an investment in regional and national capacity building, training and human rights education (since the meetings could be combined with seminars). This could have a favourable impact for implementation on a domestic level.

40. OHCHR should be more proactive in reaching out to and engaging NGOs in the treaty body process. To this end, OHCHR should develop a comprehensive up-to-date list of NGOs; further enhance civil society communications including through regular, accessible email updates and newsletters; and enhance the use of social media to engage civil society in the work of treaty bodies. Other UN agencies should also take a proactive role in facilitating NGO engagement with treaty bodies.
41. Modern technologies provide a unique opportunity to bring the work of international organisations closer to national stakeholders. All public meetings of treaty bodies, including discussions on follow-up, should be webcast and related audio files should be readily accessible on the OHCHR website. To ensure that national stakeholders, particularly NGOs, not physically present in Geneva or New York, have an opportunity to provide oral briefings to the treaty bodies, video conferencing should be made available for stakeholders in the countries subject to treaty body procedures. UN field offices should play a key role in facilitating this form of interaction. Further, video conferencing with national and local stakeholders and State representatives should be made part of any future expansion of the follow-up procedures.
42. OHCHR should continue to develop and update comprehensive country sheets and webpages which include all documentation produced with reference to the specific country by all UN human rights mechanisms. With regard to treaty bodies, these should also include details as to forthcoming reporting dates and opportunities for stakeholder engagement, together with documentation and correspondence from States and all other stakeholders arising from previous treaty body considerations.
43. OHCHR should establish a user-friendly comprehensive reporting calendar which clearly schedules all reports due under all the treaties far in advance in a way that rationalizes the dates due of the reports that each State should submit and the number of reports that each treaty body will examine each year. The calendar should set out clear deadlines for the submission of the contributions that other stakeholders, particularly NHRIs and NGOs, may wish to submit with respect to each report at every stage, from the adoption of lists of issues (prior to reporting), the dialogue, and the follow-up procedure that may ensue.
44. OHCHR should develop handbooks for all stakeholders – States, NHRIs, NGOs and other stakeholders - covering all forms of engagement with the treaty body system, including guidelines and best practices for preparation of reports, oral briefings, and engagement in follow-up activities. These handbooks should be updated on a regular basis and widely disseminated.
45. With a view to ensuring the continuing high level of performance by treaty bodies, OHCHR should also prepare a handbook embracing all essential information for new and current members of treaty bodies. Enhanced communication between treaty body

members should be facilitated through, among other ways, a permanent secure intranet connection and better use of new technologies.

46. OHCHR should ensure it complies with relevant accessibility standards in regard to the treaty bodies, including access to premises, information and means of communication, to facilitate the full participation by persons with disabilities in the work of the treaty bodies, whether these are treaty body members, representatives of States, NHRIs, NGOs or other stakeholders.

Recommendations to NHRIs/NGOs/Other stakeholders

47. NHRIs should take all appropriate actions to publish and disseminate and NGOs should encourage dissemination of information by the State to all relevant actors on Concluding Observations and Views/Opinions of treaty bodies and to support public awareness thereof.
48. NHRIs should organise more capacity building activities on the treaty body reporting and implementation process, including on a regional basis, during which good practices should be shared.
49. Academic institutions are encouraged to establish networks to facilitate critical research and debate on the functioning, work and implementation of the outputs of the treaty bodies. This data could also enhance capacity building for new members of treaty bodies.

Reprisals

50. Any reprisal by a State against persons engaging with treaty bodies constitutes a human rights violation. Any such act must never be tolerated.

Recommendations to Treaty Bodies

51. In cases where there is a concern regarding the safety of victims, witnesses, human rights defenders, and interview subjects, the relevant treaty body should assess, as an integral part of the review, the effectiveness of State measures for their protection.
52. Treaty bodies should take urgent measures in case of reprisals, including through other relevant mechanisms. Those treaty bodies, which do not have procedures to address such situations, should adopt them. Every treaty body should designate a focal point on reprisals.

53. Cases involving reprisals should be forwarded to relevant Special Procedure mandate holders, and to OHCHR, for action and inclusion in the Secretary-General's report on reprisals.

Recommendation to States

54. States should prevent any form of reprisals against persons because of their engagement with treaty bodies. When reprisals occur they should be investigated and prosecuted and those found responsible should be punished accordingly. Victims of acts of reprisal should receive appropriate forms of redress.

Recommendations to NHRIs/NGOs/Other stakeholders

55. NHRIs, NGOs and other national stakeholders should provide to treaty bodies sufficient and well documented information on threats of and acts of reprisal against victims, witnesses, human rights defenders, and interview subjects. NHRIs are encouraged to establish appropriate mechanisms to protect those that might face reprisals.

Resources

56. The international community cannot afford to weaken the treaty body system simply for lack of resources - not only because respect for the treaties is a legal obligation but also to maintain the integrity of the treaty bodies as cornerstones of the human rights system constructed since the Universal Declaration of Human Rights. The credibility of the UN human rights protection system is at stake.
57. The growth in instruments and the increase in acceptance of these instruments constitute a success for the human rights treaty system. Yet this success has not been matched by the States' compliance with their reporting obligations nor an allocation of resources and meeting time commensurate with the efficient fulfilment of the treaty bodies' mandates. Persistent backlogs of reports and communications pending review are one symptom of this under-resourcing. There needs to be a comprehensive costing of the system as it stands followed by an allocation of adequate resources proportionate to the actual workload faced by each treaty body. This allocation of resources should be regularly reassessed to take into account increased ratifications and the rate at which reports and communications are being received.

Recommendations to States

58. Member States and the competent organs of the UN should ensure the financial basis for the treaty bodies to enable them to effectively perform their mandates. The chronic deficiency of resources that has led to inter alia an unacceptable level of backlog of reports requiring consideration by the treaty bodies, excessive waiting time by

complainants for the Views/Opinions of treaty bodies in their cases, which largely undermines the protective function of complaints procedures, and overloading on the responsible OHCHR staff, must be remedied as a matter of priority. A coherent and sustainable financing system for treaty bodies, periodically reassessed, should be put in place.

Recommendations to OHCHR/UN

59. Supporting the treaty bodies also means increasing the coherence, flexibility and capacity of the Secretariat to support them including by recruiting and constantly providing staff who can develop a strong institutional knowledge, including about the committee to which they are assigned.
60. OHCHR and the treaty bodies themselves should consider how to make better use of existing resources.

Treaty Body Functions

61. The sections which follow address a number of treaty body functions. Some treaty bodies have additional competencies to those directly addressed by this Outcome Document, including visiting mechanisms. The comments and recommendations which follow should nevertheless inspire the manner in which such additional competencies and functions are exercised, to the extent that this is consonant with the various treaty bases for such activities.

State Reporting Process

62. The reporting process is built on interlinked phases – preparation and submission of the report by the State, face-to-face dialogue with the treaty body considering the report, follow-up to implementation of recommendations issued by the treaty body both inter-sessionally and through the periodicity of reports, which therefore have to be submitted on time. It forms a continuum and each cycle should build on the one that preceded it. Reporting should allow for a participatory process at the national level, which places human rights at the centre of governance.
63. The failure by some States to comply with their reporting obligations remains a major concern. Although in some specific instances a lack of capacity may contribute to a State's failure to submit a timely report, in many cases it denotes a lack of political will on the part of the State to fulfil its reporting obligations. The treaty bodies, with the assistance of OHCHR, should coordinate a comprehensive reporting calendar where all States are scheduled for consideration well in advance, and encourage them to submit reports in sufficient time to enable well-prepared dialogues to take place. The de facto flexibility that all treaty bodies have been obliged to exercise given the unpredictable records of submission of reports would be replaced with a set schedule that would allow for such advance planning by all stakeholders in the process.

Recommendations to Treaty Bodies

64. Treaty bodies should adopt a common approach to address the situation of non-reporting States with a view to supporting them in complying with their reporting obligations. They should further develop and harmonise their procedures for the review held in the absence of a State report. This could be done through the adoption of the comprehensive reporting calendar referred to previously that would be based on reports due (rather than on reports submitted). The procedure by which States would be reviewed in the absence of a report should be established from the perspective of ensuring the widest possible visibility of the review, active participation by all stakeholders, and the highest possible level of accuracy and effectiveness. The procedure should also lead non-reporting States to conclude that they should submit the next reports they owe. The review should continue to be conducted in public to ensure transparency and effective public

engagement. The active participation of a broad range of civil society actors in such a review, no less than in the case of periodic State reports, is crucial. As such, adequate time must be given to NGOs and rights-holders, as well as other stakeholders such as UN agencies and NHRIs, to brief the treaty bodies.

65. The reporting cycle should focus on key strategic priorities in States under review as established by treaty bodies. Previous concerns and recommendations should be the point of departure of each new reporting cycle. Concluding Observations, follow-up and implementation information, decisions and opinions adopted under the individual complaints procedures, as well as recommendations and information gathered through other UN human rights mechanisms and UN entities, as well as NHRIs and NGOs, should be taken into account. This would allow a clear assessment of the progress made by the State since the last review. Concerns and recommendations of treaty bodies that remain unaddressed should therefore be reiterated while new concerns relating to more recent developments should also be included.
66. The adoption of new and innovative treaty body working methods and procedures is to be welcomed, including the recent innovation by some committees of the Lists of Issues Prior to Reporting (LOIPR). Other treaty bodies are encouraged to consider adopting such procedures to the extent they consider them useful and appropriate.
67. Treaty bodies should examine the experience of those committees that have worked in chambers in order to consider more reports per session, with a view to examining whether it would be appropriate for them. Broad regional, gender and professional representation should be ensured in each chamber.
68. Alternatives to traditional reporting methods should be considered, such as *in situ* visits, in-country or in-region dialogues with governments by members from one or more treaty bodies, based on LOIPR adopted by each of the treaty bodies separately, and resulting in separate Concluding Observations adopted remotely by each treaty body.
69. Treaty bodies should adopt common practices about the conduct of the State dialogues. Country task forces and/or country rapporteurs should be established within each treaty body, where feasible and useful. Guidelines for all concerned stakeholders for the conduct of the dialogue should be developed and made publicly available, with the assistance of OHCHR.
70. Common practices should be adopted to manage time efficiently during session meetings, including ensuring a balanced exchange between treaty body members and the State delegation. Shorter time limits for treaty body and State interventions might be introduced, subject to the requirements of a constructive, meaningful dialogue. Dialogues with a State should, as a general rule, be limited to a maximum of two meetings (six hours), except where a third meeting is warranted.

71. Treaty bodies should ensure that Concluding Observations are country-specific and targeted. Recommendations that call for structural change, including in national legislation in order to bring it into line with the provisions of the relevant Treaty, should be made systematically. Each treaty body should classify recommendations into short- and long-term categories to aid in their implementation. Treaty bodies should evaluate the degree of implementation of all Concluding Observations based on objective criteria similar to those used to evaluate implementation of recommendations selected for time-bound follow-up. Treaty bodies should reduce the length of their Concluding Observations in order to achieve greater efficiency and impact.
72. Treaty bodies should, to the largest extent possible, use cross-referencing and reinforcement of the recommendations of other treaty bodies and other UN human rights mechanisms.
73. Treaty bodies are encouraged to consider issuing joint statements on cross-cutting issues that emerge from the State reporting process, other treaty body procedures and other human rights mechanisms. Joint statements could address trends emerging in a particular State or geographic region or focus on a specific theme.
74. Treaty bodies should ensure greatest possible participation and involvement of NHRIs and NGOs in their work by aligning process as much as possible, including, where possible, through adopting common working methods and rules of procedures. They should take due account of the information provided in particular by “A” status NHRIs.
75. The confidentiality of NGO information in any dialogue with States must be respected and the practice by which NGO information is not utilised when confidentiality is requested should be abandoned.
76. Effective involvement of NHRIs, NGOs and the wider civil society, requires time for consultation. Treaty bodies should further enhance their efforts to ensure that scheduling information is made available to stakeholders, including civil society, at the earliest possible opportunity.

Recommendations to States

77. States are encouraged to take into account non-compliance with human rights treaties and States’ reporting obligations when electing Member States of the Human Rights Council and other UN bodies.
78. States should do their utmost to provide quality, precise and focused information including appropriate disaggregated quantitative data under their reporting obligations. In case of federal States, States should also provide full information at all the level of the States. States should take advantage of the possibility of streamlining their treaty reporting by submitting a Common Core Document, if they have not done so already,

and make ample cross-referencing to it in their treaty-specific documents. They should henceforth update it regularly as needed.

79. National frameworks should be established for consultations at a very early stage concerning the preparation of reports to treaty bodies, along the lines of the best practice in UPR consultations. A framework involving Governments and other stakeholders, in particular NHRIs, NGOs, academia, parliamentarians and other parts of civil society should be encouraged and provided with meaningful opportunities to present inputs to the consultative process. States should ensure that national reports are translated into all relevant national languages and widely disseminated and publicised.
80. Such national frameworks should be used also as a platform for the development of national action plans for a coordinated implementation of recommendations addressed by treaty bodies to the State concerned. States should translate the Concluding Observations into local languages and disseminate them widely, and NHRIs and NGOs could play a crucial role in this regard.
81. During the dialogue with treaty bodies, States should be represented by well-informed high-level expert delegations who can respond fully to the issues raised by the treaty body. In the event that the delegation does not have relevant expertise, it should ensure direct communication with the capital to guarantee that requested information can be provided promptly.
82. States are encouraged to guarantee greater meeting time for Treaty bodies and corresponding resources commensurate with the workload to treaty bodies where necessary.
83. States, through the General Assembly, should consider establishing a fund to assist States that otherwise do not have resources to travel to send delegations to meet with the treaty bodies.

Recommendations to OHCHR/UN

84. OHCHR should expand and systematise its capacity building and technical assistance activities in relation to the submission of reports, in particular when States face difficulties in complying with their reporting obligations. Greater use should be made of the expertise of current and former treaty body members. Capacity-building programmes should be established also for NHRIs, NGOs and other stakeholders.
85. While stressing the centrality of in-person dialogue, OHCHR and its regional offices should widely use video-conferencing and cost effective services like information and communication technology services to enable broader participation by State delegates, NHRIs, NGOs and other national stakeholders in the dialogue with treaty bodies

Recommendations to NHRIs/NGOs/Other stakeholders

86. NHRIs, NGOS and other national stakeholders should strengthen their working methods and their participation in the treaty body system for instance by submitting reliable information highlighting issues of concern to be addressed and by actively participating in treaty bodies' activities.
87. National stakeholders, in particular NHRIs, should support the capacity building of relevant State officials regarding human rights monitoring, reporting to UN human rights mechanisms, including treaty bodies, and implementation of recommendations.

Individual Communications

88. Taking into account that for some treaty bodies, consideration of Individual communications is a core function, there is a need to ensure greater transparency and accessibility to this process, while remaining sensitive to the safety and security of the author and/or victim of such a communication. Equally, there is a need to more actively publicise treaty body Views/Opinions issued in individual communication procedure.

Recommendations to Treaty Bodies

89. Treaty bodies should give increased visibility to individual communications procedures, including the admissibility requirements, to facilitate their more effective use by individuals.
90. Treaty bodies should consider how they can assist with the friendly settlement of communications, in a manner that is compatible with international human rights treaty standards. The experiences at the regional level may be useful in this regard.
91. Treaty bodies should decide on modalities for informing about issues raised in pending cases and for accepting amicus curiae briefs in individual communications.
92. Treaty bodies should continue to provide regular updates on the status of registered communications throughout the process, including with regard to the implementation of remedies, to authors and the State.
93. Remedies should, to the greatest extent possible, be framed in a way that allows their implementation to be measured. Treaty bodies should use targeted and focused remedial language and, where possible be prescriptive. This could include compensation, rehabilitation, satisfaction, restitution and guarantees of non-repetition; stipulation of other forms of satisfaction, including legislative and institutional reforms or other measures as appropriate; and, where relevant, clarification of the obligation to

investigate and prosecute. Proposed remedies should be structured around short- and long-term goals, specifying concrete steps to be taken by States.

94. Treaty bodies should endeavour to provide more thorough and comprehensive reasoning in their decisions and, where appropriate, take account of pertinent national jurisprudence.

Recommendations to States

95. States should take positive steps and measures to ensure understanding of the Individual Communications procedures and to facilitate access to such procedures, particularly for disempowered, disadvantaged and marginalised individuals and groups. States should make information on the procedures available in an easily understandable and readily accessible format. This information should be made available in national and local languages and in accessible formats, including for persons with disabilities and children. Measures should include targeted information specifically aimed at the legal profession and provision of legal aid.
96. States, through the General Assembly, should consider establishing a fund to assist authors of communications to present communications to the treaty bodies.
97. States should ensure the widespread dissemination of treaty body jurisprudence and ensure the inclusion of such jurisprudence in legal and judicial education.
98. States should in every instance respect the provisions of interim measure requests issued by treaty bodies.

Recommendations to OHCHR/UN

99. Additional efforts should be made to publicise Views/Opinions rendered through the individual communications process.
100. Additional efforts should be made to improve the information provided on follow-up to Views/Opinions. As such, OHCHR should set up a separate section under the country web pages on the follow-up to individual communications. Adoption of Views/Opinions should always be accompanied by the issuance of press releases, summarising the finding and its significance in easily understandable language.
101. OHCHR should develop and disseminate enhanced guidelines on submission of individual communications in order to assist towards the improvement of quality of submissions and reduce the number of inadmissible or manifestly ill-founded cases submitted to treaty bodies.

102. OHCHR should revive the practice of holding judicial and legal colloquia that promote awareness of the individual communications procedures and increased reference to treaty body jurisprudence in national and international instances.

Recommendations to NHRIs/NGOs/Other stakeholders

103. Where appropriate and relevant, NHRIs and NGOs should submit amicus curiae briefs regarding individual communications.

Follow-up and Implementation of Concluding Observations and Views/Opinions/Decisions

104. Implementation is the responsibility of States, and NHRIs and civil society play very important separate roles in encouraging implementation by the States. Follow-up activities by treaty bodies and other UN bodies remain vastly under-resourced. OHCHR does not have the human and financial resources to conduct regular follow-up activities and the treaty bodies themselves are restricted to address follow-up concerns only when in session.

Recommendations to Treaty Bodies

105. Follow-up procedures are an integral part of the reporting and individual communication procedures. Each treaty body should adopt a follow-up procedure taking account of the specificities of the respective treaty.
106. One or more treaty body expert(s) should be designated as Follow-up Rapporteur(s), who would assess the information provided by States in close collaboration with the Country Rapporteur. Their identity should be a matter of public record.
107. States should be requested to respond, within a designated period of time - 12 to 24 months - to the priority issues identified in Concluding Observations. The response requirement should to the extent possible be complemented by public hearings in which the State should be asked to thoroughly explain the concrete measures adopted to comply with the specific recommendations concerned. NHRIs and NGOs should be formally able to participate and orally brief members.
108. Treaty bodies should ensure that a paragraph on the status of implementation of Views/Opinions is included in Lists of Issues within the periodic reporting procedure.
109. A working group on follow-up, comprising members and former members of treaty bodies, should serve as a tool for the systematisation and harmonisation of such procedures. Follow-up Rapporteurs should conduct ongoing analyses of the functioning of the follow-up procedure with a view to continuously improve its functioning. Further,

the Follow-up Rapporteurs should be responsible for promoting harmonisation of follow-up procedures and common methods for follow-up between the treaty bodies. They should work collaboratively and coordinate thematically or on a country-specific basis.

110. Follow-up missions and integrated country visits between sessions by members of treaty bodies and of special procedures where appropriate, to States concerned should be undertaken to directly verify levels of implementation. During the visits, interaction with a broad range of national stakeholders should be ensured. For that purpose, partnerships between the regional offices of the OHCHR, UN agencies, NHRIs, NGOs, academia and treaty bodies should be further fostered. The experience of some treaty bodies of holding regional workshops to facilitate effective implementation should be expanded.
111. Joint actions (letters, meetings, country visits) and increased coordination between the various treaty bodies should be developed with respect to States that have experienced particular difficulties with the implementation of the decisions.
112. Treaty bodies should publicly report on the follow-up activities that they have undertaken with respect to each State.
113. In cooperation with OHCHR, treaty bodies should use standardised indicators to monitor the progress of implementation of Concluding Observations and Views/Opinions. These should be selected based upon criteria similar to those used to evaluate implementation of recommendations selected for time-bound follow-up. The same indicators should be used by States to monitor implementation. Treaty bodies should develop clear criteria as to what constitutes satisfactory implementation and clearly classify States' replies. The criteria should allow capturing the different stages of implementation. Based on this evaluation, treaty bodies, with the support of OHCHR, should develop a comprehensive country-based breakdown of the degree of States' implementation of all Concluding Observations and Views/Opinions, which should be made publicly available.
114. Stronger linkages between treaty bodies and regional as well as sub-regional organisations should be developed, particularly with regard to the implementation phase of treaty body Concluding Observations and Views/Opinions.

Recommendations to States

115. The obligation on States to consider the Concluding Observations and Views/Opinions of treaty bodies applies as relevant to all branches and levels of government. The executive, legislature and judiciary should all be directly engaged in the promotion and protection of human rights and the implementation of treaty body Concluding Observations and Views/Opinions.

116. Additional resources should be allocated to follow-up activities. A specific request should be transmitted to States and to conference services to ensure that sufficient resources are made available to follow-up activities, including for timely translations.
117. States should ensure that they have an effective system for the implementation for their international human rights obligations. In this regard, States should put in place integrated frameworks that would be responsible for wide dissemination of treaty body outputs and the development of a national action plan for implementation of Concluding Observations and Views/Opinions from all treaty bodies as well as the recommendations of other UN human rights mechanisms.
118. Within Parliaments, appropriate standing committees or similar bodies should be established and involved in monitoring and assessing the level of national implementation.
119. States are encouraged to consider the adoption of consolidated plans of action for the implementation of treaty bodies Concluding Observations and Views/Opinions. The realization of such a plan should be subject to regular assessment. With a view to ensure the functionality of this process, the State may wish to assign the coordinating responsibilities to a specific State structure.
120. States are encouraged, in coordination with NGOs and NHRIs, to develop a public chart that includes all recommendations made by the different UN human rights mechanisms and details as to the status of implementation of each. This would strengthen transparency and accountability in implementation and should also be made available to treaty bodies.
121. States are encouraged to hold regional workshops to facilitate effective implementation.

Recommendations to OHCHR/UN

122. OHCHR should conduct studies to identify obstacles to implementation in individual countries. National stakeholders should be encouraged to provide inputs within these assessments. A questionnaire to help national stakeholders identify implementation obstacles should be developed, drawing upon the work of relevant regional human rights systems.
123. OHCHR should continue to make more accessible information on States' implementation/non-implementation of Concluding Observations and Views/Opinions, including in compilation reports submitted for purposes of UPR.

124. The follow-up procedure of each treaty body should be a public procedure and conducted with the greatest transparency. All the information received from States and correspondence between States and the treaty bodies should be made publicly available, including information received from other stakeholders, such as NHRIs and NGOs.
125. OHCHR should reach out to NHRIs and NGOs that participated in the treaty body review of the State concerned to solicit adequate and comprehensive information on actual levels of implementation of Concluding Observations and Views/Opinions and provide this information to relevant treaty bodies.
126. Follow-up to treaty bodies' Concluding Observations and Views/Opinions should be further integrated into country strategies of OHCHR as well as into the work of other UN bodies and agencies. The full involvement of UN country teams should be ensured in the entire reporting and follow-up process, with special emphasis on supporting implementation of recommendations in each State. UN programmes and specialised agencies should incorporate into their annual work plans, actions for monitoring the implementation of Concluding Observations and Views/Opinions. For example, follow-up on treaty body recommendations should be systematically included in the United Nations Development Assistance Framework. Focal points in OHCHR's regional offices should assume a coordinating role.
127. Other organs of the UN, including the General Assembly, the Human Rights Council and its Special Procedures, should follow up with States on treaty bodies' Concluding Observations and Views/Opinions. Special procedures of the Human Rights Council should enhance their cooperation with treaty bodies, including through requesting information from States on the implementation of Concluding Observations and Views/Opinions as part of their country visits.
128. OHCHR should engage in capacity building and technical assistance activities in relation to the implementation of the Concluding Observations and Views/Opinions of treaty bodies, of national actors, including the judiciary, public servants and lawyers, in particular through its regional and field presences, and to seek to involve relevant UN entities in such activities.

Recommendations to NHRIs/NGOs/Other stakeholders

129. NHRIs, NGOs and other national stakeholders should keep under review the State's implementation of its obligations under the international human rights treaties and advise States on possible courses of action for an effective implementation of the Concluding Observations and Views/Opinions of treaty bodies, including through engagement with members of Parliament and ministries and other public authorities.
130. NHRIs, NGOs and other national stakeholders should raise awareness about the treaty bodies' individual communications procedure and, whenever appropriate, support their

use by victims. In addition, NHRIs are also encouraged to be strategic in promoting cases that may build specific jurisprudence to be used at the domestic level, as well as to follow-up on the implementation of Views/Opinions adopted by treaty bodies at domestic level, disseminate them and use them in their human rights education training programmes.

General Comments/Recommendations

131. General comments/recommendations provide essential guidance on the scope and nature of obligations under the respective human rights treaty. They constitute a main source of interpretation for the rights contained in the treaty.

Recommendations to Treaty Bodies

132. Treaty bodies should adopt general comments/recommendations that are consistent with evolving human rights standards and revise previously adopted general comments/recommendations accordingly. Furthermore, those treaty bodies that have not yet done so should adopt a systematic drafting procedure that enables consideration of suggestions by other treaty bodies, States, NHRIs, NGOs and other civil society actors, and conduct a transparent decision-making process on the selection of topics of general comments/recommendations.

133. Those Treaty bodies that have not already done so should convene days of general discussion on thematic issues of interest and ensure broad participation. These could be precursors to the development of a new general comment/recommendation.

134. Building on the existing experience, treaty bodies should, to the extent possible, issue jointly authored general comments in order to better demonstrate the interconnected nature of human rights protection and the common obligations that prevail on States.

Recommendations on How to Maintain Impetus for Strengthening the Treaty Body System

135. All of the treaty body stakeholders including the treaty bodies themselves, States, NGOs and NHRIs and civil society, OHCHR and other UN entities, carry the responsibility to continue to strengthen the treaty bodies. This process and the associated reflection must be a continuous one always with the ultimate goal of the enhanced protection of human rights. Notwithstanding the diversity of treaties and committees, the treaty bodies constitute a single system and their strengthening must not lose sight of this fact. The current outcome document building on existing achievements within the committees and in the framework of the annual Meeting of Chairpersons and the content of the consultation documents adopted since the Dublin I meeting, constitutes a substantial programme of action.
136. Treaty bodies working together carry a primary role in ensuring that relevant recommendations in this document are implemented. States, as the creators and guardians of the system, acting both individually and together, are called upon to take the most serious consideration of proposals that are addressed to them. NGOs, NHRIs and civil society, play a critical role in implementing the recommendations and supporting the delivery of all of the objectives of this exercise. While it is acknowledged that some but by no means all of the recommendations in this document incur cost implications, bearing in mind the obligations undertaken by States under the treaties and the scale of the challenges faced by the treaty body system, the recommendations are proposed for serious and immediate consideration.
137. Many parts of the UN system are addressed in the recommendations, and they all share the responsibility for enhancing and enriching the global framework of human rights protection. Above all, the High Commissioner and her office are looked to support and facilitate the implementation of the recommendations contained in this document and to provide continued leadership in shaping an international agenda for treaty body strengthening. All stakeholders are called on to support and work with the High Commissioner in this regard.

Done at Dublin on 11 November 2011.

Signatories*

Anastasia Crickley

Member of the Committee on the Elimination of Racial Discrimination

Emmanuel Decaux

Chairperson of the Committee on Enforced Disappearances

Malcolm Evans

Chairperson of the Subcommittee on Prevention of Torture

Abdelhamid El-Jamri

Chairperson of the Committee on Migrant Workers

Cees Flinterman

Member of the Human Rights Committee

Claudio Grossman

Chairperson of the Committee Against Torture

Dzidek Kedzia

Vice-Chairperson of the Committee on Economic, Social and Cultural Rights

Anwar Kemal

Chairperson of the Committee on the Elimination of Racial Discrimination

Yanghee Lee

Vice-Chairperson of the Committee on the Rights of the Child

Zonke Zanele Majodina

Chairperson of the Human Rights Committee

Ronald McCallum

Chairperson of the Committee on the Rights of Persons with Disabilities

Michael O'Flaherty

Vice-Chairperson of the Human Rights Committee

Ana Pelaez Narvaez

Member of the Committee on the Rights of Persons with Disabilities

Ariranga G. Pillay

Chairperson of the Committee on Economic, Social and Cultural Rights

Silvia Pimentel

Chairperson of the Committee on the Elimination of Discrimination Against Women

Eibe Riedel

Member of the Committee on Economic, Social and Cultural Rights

Jean Zermatten

Chairperson of the Committee on the Rights of the Child

*In their personal capacities.

Annex

Participants of the Dublin II Meeting

Treaty Body Experts

Anastasia Crickley

Member of the Committee on the Elimination of Racial Discrimination

Malcolm Evans

Chairperson of the Subcommittee on Prevention of Torture

Abdelhamid El-Jamri

Chairperson of the Committee on Migrant Workers

Claudio Grossman

Chairperson of the Committee Against Torture

Dzidek Kedzia

Vice-Chairperson of the Committee on Economic, Social and Cultural Rights

Anwar Kemal

Chairperson of the Committee on the Elimination of Racial Discrimination

Yanghee Lee

Vice-Chairperson of the Committee on the Rights of the Child

Ronald McCallum

Chairperson of the Committee on the Rights of Persons with Disabilities

Michael O'Flaherty

Vice-Chairperson of the Human Rights Committee

Ariranga G. Pillay

Chairperson of the Committee on Economic, Social and Cultural Rights

Silvia Pimentel

Chairperson of the Committee on the Elimination of Discrimination Against Women

Eibe Riedel

Member of the Committee on Economic, Social and Cultural Rights

Other Experts (all of whom, in their personal capacities, endorse the Outcome Document)

Tania Baldwin-Pask

Adviser on International Organisations, International Advocacy Program, Amnesty International

Rachel Brett

Representative (Human Rights and Refugees) Quaker UN Office, Geneva

Mary Crock
Professor of Public Law, University of Sydney

James Goldston
Executive Director, Open Society Justice Initiative

David Harris
Professor Emeritus and Co-Chair of the University of Nottingham Human Rights Law Centre

Peter Kirchschräger
Director of the Centre for Human Rights Education (ZMRB), University of Teacher Education Lucerne

Gabriela Kletzel
Centro de Estudios Legales y Sociales, Buenos Aires, Argentina

Roslyn Noonan
Chairperson of the International Coordination Committee of National Human Rights Institutions

Florence Sambiri-Jaoko
Chairperson of the Kenya National Commission on Human Rights

Frans Viljoen
Director of the Centre for Human Rights, University of Pretoria

Jae-Chun Won
Professor at Handong International Law School, Korea

Observers of the meeting

Kyung-wha Kang
UN Deputy High Commissioner for Human Rights

Ibrahim Salama
Director of the OHCHR Human Rights Treaties Division (HRTD)

Paulo David
Chief of the HRTD Capacity Building and Harmonisation Section

Carla Edelenbos
Chief of the Petitions and Enquiries Section, OHCHR

Natacha Foucard
Human Rights Officer, OHCHR

Wan-Hea Lee
Chief of the Groups in Focus Section HRTD, OHCHR

Christina Meinecke

Special Assistant to the Director and HRTD Programme Management Officer of HRTD

James Turpin

OHCHR Office New York

Colin Wrafter

Director, Human Rights Unit, Irish Department of Foreign Affairs