



INTERNATIONAL COORDINATING COMMITTEE OF
NATIONAL INSTITUTIONS FOR THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS (ICC)

The Belfast Statement

The response of National Human Rights Institutions to the United Nations High Commissioner for Human Rights Report on the Strengthening of the Human Rights Treaty Body System.

Following a meeting of National Human Rights Institutions (NHRIs), in Belfast, Northern Ireland on 31 July 2012, hosted by the Northern Ireland Human Rights Commission, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights adopted the following statement:

Acknowledging such achievements for the international promotion and protection of human rights in recent decades as the Vienna Declaration on Human Rights, the Paris Principles relating to the status of National Institutions, the appointment of a UN High Commissioner for Human Rights and the establishment of the International Criminal Court;

Recognising that human rights at the national level are fundamental for a safe, secure and prosperous future for all societies in our interdependent world, and that while the main dynamics of change should be national, the international human rights mechanisms provide essential support for national progress, and that this is why the strength of the Treaty Body system is critical for the enjoyment of the human rights of all persons everywhere;

Noting the multiple challenges confronted by the Treaty Bodies in terms of engagement by States, provision of information by NHRIs and civil society, capacity of Treaty Bodies and their secretariats to process material and produce effective outputs, the implementation of findings and follow-up at the national level, as well the wide ranging negative impact of the inadequate resources available to the system;

Concerned regarding the persistent failure to systemically address and correct the ever growing crisis of the Treaty Body system;

Recalling

- the adoption of the Berlin roundtable outcome endorsed by Treaty Bodies and NHRIs in 2006 and of the Marrakech Statement on the Strengthening of the Relationship between NHRIs and the Human Rights Treaty Body system (June 2010), which acknowledged how NHRIs that are in compliance with the Paris Principles have a particular and distinct role in national human rights protection and in the operation of the Treaty Body system;

- the participation of NHRIs in various other consultative events of the “Dublin Process” including the meetings that adopted the Dublin Statement (November 2009) and the Dublin Outcome Document (November 2011);
- that the Human Rights Council, in resolution A/HRC 20/L.15, of 5 July 2012, *welcomes* the contribution of national human rights institutions to the on-going Treaty Body strengthening process, and encourages national human rights institutions to continue to contribute to the process;
- that in resolution A/HRC 20/L.15 the Human Rights Council, *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing as appropriate to follow-up actions and to the recommendations resulting from the international human rights mechanisms, *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights; *Welcomes in particular* the growing number of States that have accepted recommendations to establish national human rights institutions through the universal periodic review and, where relevant, by treaty bodies and special procedures; *Recognizes* the important role played by national institutions for the promotion and protection of human rights in (inter-alia) the Human Rights Treaty Bodies;

Recalling that the International Coordination Committee of National Institutions for the Protection and Promotion of Human Rights was invited to present contributions to the opening session, formal discussions and side events of the Inter-governmental Treaty Body strengthening process at the United Nations General Assembly from 16 through 18 July 2012:

Principles

1. *Welcome* Treaty Bodies' recommendations that all states establish and strengthen national human rights institutions in full compliance with the Paris Principles, while noting as important that such recommendations can have a critical protective function for the concerned national human rights institution, particularly when it is threatened in its independence as a result of state interference or when it is subject of reprisals.
2. *Recall* that, while each human rights treaty has its normative specificity, the mutual reinforcement and unity of purpose among all human rights treaties require their coherent functioning as a system;
3. *Recall* that, despite progress by Treaty Bodies themselves, with the support of the Office of the High Commissioner for Human Rights, to achieve more efficient harmonisation of working methods, no amount of further streamlining or harmonisation will meet the challenges of the Treaty Body system unless additional resources are provided by Member States;

4. *Reaffirm* that the purpose of the process of strengthening the Treaty Bodies is the enhanced protection and promotion of the human rights of people whoever and wherever they are;
5. *Recall* that the process of strengthening the Treaty Body system requires decisive action on the part of a number of actors, including States, the Treaty Bodies themselves, OHCHR, NHRIs, NGOs and all other components of civil society;
6. *Recall* that, as a matter of Treaty Law, whilst State Parties have a formal role in the Treaty Body system, the Treaty Bodies themselves are independent expert bodies, responsible for delivery of their functions and for their own internal organisation;
7. *Welcome* the report of the High Commissioner for Human Rights on the Strengthening of the Treaty Body System and *welcome further* the extent to which the report reflects discussions among the main stakeholders, including NHRIs, within the preliminary consultations of the “Dublin Process”; *welcome* the attention in the report to all of the functions of the Treaty Body System and on this basis consider that the report constitutes a good foundation on which to take steps to strengthen the Treaty Body System;
8. *Welcome* the acknowledgment in the High Commissioner’s report of the crucial and unique role that Paris Principles compliant NHRIs play in supporting the operation of the Treaty Body System and in the implementation of its findings at national level;

Reporting Procedure

9. *Recognise* the importance of the proposal for a Comprehensive Reporting Calendar which if implemented, will deliver significant improvements in the transparency, predictability and efficiency of the reporting procedures;
10. *Recognise* that many details remain to be addressed regarding the readiness and capacity of States Parties, the Treaty Bodies and the secretariat to implement the Calendar and to ensure that it preserves the level of expert detailed scrutiny and the space for NHRI and civil society engagement that characterise the reporting procedure at its best;
11. *Consider* that a detailed examination be undertaken of the proposal for the Comprehensive Reporting Calendar, with the involvement of all stakeholders, including NHRIs, before any steps are taken to implement it;
12. *Recommend* that the following proposals of the High Commissioner be implemented without delay:
 - adoption by all committees of the “simplified reporting procedure”;
 - submission of Common Core Documents and regular updates;
 - strict adherence to page limitations;
 - aligned methodologies for the dialogue between States and the Treaty Bodies, reducing translation of summary records;

- focused Treaty Body concluding observations and further institutionalisation of engagement with other United Nations partners;
- use of the savings from page limitation and discontinuation of the summary records, to establish webcasting of all Treaty Body proceedings;

13. *Welcome* the High Commissioner's reports' recognition of the need to strengthen and align the models of interaction of Treaty Bodies with civil society;

14. *Express* deep concern with the proposal that all formal meetings of NHRIs and Treaty Bodies be held in public, while recognising the importance of the principle of transparency since such a determination must always be made by the Treaty Body in question, on a case by case basis, taking account of considerations such as the safety of human rights defenders and the need that may arise for confidential dialogue;

15. *Recall* that Paris Principles compliant NHRIs have a distinct role and status that distinguishes them from States and civil society and this should be reflected in the procedures and frameworks for their engagement with the Treaty Bodies, such as by ensuring that they have distinct opportunities to deliver briefings that are separate from sessions for civil society briefings and that are reflected in the harmonised working methods of the Treaty Bodies;

16. *Welcome* the recommendations concerning the prevention of reprisals against human rights defenders including those who serve in NHRIs;

17. *Reiterate* the recommendation of the Marrakech Statement and the Dublin Outcome Document that States Parties should hold broad national consultations (as they do concerning the Universal Periodic Review process) during the preparation of their reports to be submitted to Treaty Bodies, and *recall* that NHRIs are best placed to play a key role in such consultations;

Individual Communications Procedures

18. *Welcome* the recognition in the High Commissioner's report that action should be taken to ensure the timeliness and effectiveness of the complaint system as well as the coherence of Treaty Body future jurisprudence, especially in light of the imminent multiplication of procedures; and *consider* that NHRIs and other stakeholders as well as Treaty Bodies themselves have a valuable role to play in identifying how these goals can be achieved;

19. *Welcome* in particular the recommendations for a review of good practices regarding the application of rules of procedure and methods of work, the adoption of common guidelines for individual communications, and the establishment of a Treaty Body jurisprudence data-base on individual cases including information on follow-up;

Sub-committee on Prevention of Torture

20. *Welcome* the recommendation for support for an increase in the capacity of the SPT under the UN regular budget, taking into account in particular its important national level capacity building function;

Treaty Body Membership

21. *Welcome* the report's recommendations concerning the responsibility of Treaty Bodies, as independent institutions under the Treaties, as the appropriate actors responsible to adopt and uphold a Code Of Conduct For Treaty Body Members, and commend the Chairs of the Treaty Bodies for their endorsement of the Addis Ababa Guidelines on the independence and impartiality of Treaty Body Members (June 2012);

22. *Support* the recommendation that States Parties adopt national policies and processes with respect to the nomination of experts as candidates for Treaty Body Membership, and *emphasise* that Paris Principles compliant NHRIs are best placed to take a lead role in assisting States to identify the best possible candidates, including by developing candidate profiles, reviewing candidacies and developing shortlists;

23. *Note* with interest the proposal in the High Commissioner's report for an open public space for presentation of candidacies of nominated experts, and affirm the need for extended transparent scrutiny to promote election to Treaty Bodies on the basis of merit;

General Comments

24. *Welcome* the recommendation that Treaty Bodies adopt an aligned process of interaction with stakeholders, including NHRIs, for the development of General Comments and Recommendations, and *consider* that this should extend to the process of the selection of the topic for General Comments and Recommendations;

Capacity-building Activities relating to reporting

25. *Welcome* the recommendation regarding enhancing the capacity of OHCHR to deliver capacity-building support to States to comply with Treaty Body requirements;

26. *Recommend* that NHRIs be given an enhanced role in States to themselves deliver such capacity building support for the State and civil society, recalling the recommendation in the Marrakech Statement to the effect that OHCHR, in cooperation with the International Coordinating Committee of NHRIs and regional networks of NHRIs, establish a capacity-building project with a view to enabling NHRIs to deliver treaty body-related training;

A National Reporting and Coordination Mechanism

27. *Welcome* the recommendation for the establishment of government inter-ministerial Treaty Body reporting and follow up mechanisms; and *consider* that this will provide

important government interlocutors for NHRIs; and *recall* the important benefits of such mechanisms being designed and implemented in close cooperation with NHRIs;

Accessibility and Visibility

28. Reiterate the recommendation of the Marrakech Statement and the Dublin Outcome Document that Treaty Bodies meet periodically outside Geneva and New York, in the UN regional centres, to bring the Treaty Body procedures closer to human rights holders and duty bearers;

29. *Welcome* the recommendations concerning enhanced accessibility and visibility of the Treaty Bodies by all stakeholders, including by means of web-casting and video statements, and *consider* that NHRIs can play an important role in promoting knowledge of and access to proceedings at the national level, which could be enhanced if the necessary resources were made available to them;

Next Steps

30. *Recall* the many important recommendations contained in the Dublin Outcome Document are worthy of further consideration, but are not reflected in the report of the High Commissioner;

31. *Express* appreciation to the High Commissioner for her leadership in facilitating the process of strengthening the Treaty Body System and encourage her to continue in this important role;

32. *Decide*, taking account of General Assembly resolution 66/254 and Human Rights Council resolution 20/L.15, that each of the four ICC regional groups will identify a focal point on the Strengthening Of The Treaty Body System, inter alia to liaise with the co-facilitators of the General Assembly process, to represent NHRI views and otherwise to contribute to the Treaty Body Strengthening process.