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Written statement* submitted by Habitat International Coalition, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2020]

* Issued as received, in the language(s) of submission only.



Strengthening the UN Human Rights Treaty system now

The following submission was presented to United Nations leadership, including the High Commissioner for Human Rights, president of the Human Rights Council and the 31st meeting of Chairpersons of Human Rights Treaty Bodies in June 2019.

As Members and officers of Habitat International Coalition (HIC), we are profoundly troubled to learn of the postponement or cancellation of some Human Rights Treaty Body sessions already scheduled for 2019, as well as the possible reduction of future sessions, due to funding delays and underfunding by states.

With constituents in more than 120 countries, as Members representing independent nongovernmental organisations, academic centers, professional associations and social movements, as well as individual Friends of HIC and alliances with numerous regional and international networks, it is not always easy to express ourselves with one voice or a single priority. Nonetheless, witnessing the apparent neglect and decline of the UN Treaty System compels us to speak out with alarm.

HIC shares and understands well the heavy burden of reduced resources at this time of increased need for human rights work, challenges to human rights culture and the urgency of states' fulfilment of their human rights obligations. The current period epitomises dramatic inequalities of all kinds, dividing people and regions at levels unseen for a century, simultaneous to states' withdrawal from public functions amid corporate capture, the deterioration of political discourse and the erosion of the multilateralism that used to offer our surest hope against further tyranny and conflagration.

Nonetheless, we are encouraged by the longer-term positioning of the UN development system, resting squarely on all three pillars of the UN Charter. The "Transforming our world" vision still promises to uphold human rights and humanitarian law, even when those preambulatory references are not found consistently in the Sustainable Development Goals, Targets or indicators. Contemporary policies, operational directives and norms call for greater coordination, 'managing resources and efforts at a higher vantage point,' 'ensuring accountability,' 'pooling expertise and assets across the Organisation,' 'anticipating risks' and efforts to 'resolve the data gap, while assets are scattered across the System.' However, none of these promises can be realised without a robust and effective Human Rights Treaty System.

Despite heartening words in policy instruments, the global pattern of practice shows many states and their governments in galloping retreat from their obligations under treaty, general principles and peremptory norms. The United Nations System also risks erosion from within by proliferating 'voluntary' inter-governmental forums to parley political 'commitments,' effectively replacing the prior 'obligations' of states: The very tools of statecraft expressed more thoroughly in the Human Rights Treaties and their interpretive instruments.

State commitments and peer recommendations are welcome for the political attention and other resources they may draw to proposed action. However, they do not replace states' individual, collective, domestic and extraterritorial obligations under treaty, general principles of international law and peremptory norms. In particular, the current trend risks to undermine the sacrosanct *pacta sunt servanda* principle, as cited in Articles 26–27 of the Vienna Convention on the Law of Treaties.

The political functions of the Universal Periodic Review (UPR) or the High-level Political Forum (HLRF) cannot approximate, and must not supplant the legal monitoring-and-evaluation functions of the UN, in particular, its Treaty System. In practice, diplomatic delegations often treat such intergovernmental events as promotional opportunities at forums of mutually assured avoidance of any reminder about their state's prior obligations.

Inadequate financial contributions to support the vital human rights pillar of the UN Organisation coincide with increasing opposition to human rights, declining multilateralism, elusive state accountability and rampant impunity on a global scale. The consequences extend beyond interrupted Treaty Bodies sessions, threatening regular-budget-mandated human rights activities and frustrating the urgent task of building monitoring, follow-up and data management capacities within the Treaty Bodies and their secretariats.

For civil society organisations, affected communities and individual human rights defenders, the Treaty Bodies provide an indispensable space in which they can localise international law to express themselves and find validation for human rights struggles in their home countries. Their parallel reports, testimonies and interpretive contributions have been crucial to upholding and further developing the norms and the obligations that the law confers upon all organs of the treaty-bound state. No political forum could replace the Treaty Bodies' rigorous legal UN functions, especially at this time when civil society spaces are shrinking in many national contexts. It is all the more vital that impunity for human rights violations be challenged at the UN level, while the objective and non-political functions of the Treaty System remain among the few chances available for establishing the truth.

Now more than ever, we need a corrective course of action. Human Rights victims and defenders look to the leadership of the UN Secretariat, General Assembly, Human Rights Council, ECOSOC, Security Council, OHCHR and the Human Rights Treaty Bodies to:

- Publicly call upon Member States to meet their assessed contributions and provide extra-budgetary funding to correct the distortion of the UN System resulting from the current budget shortfall;
- Manage resources and efforts from the 'higher vantage point' promised in the longer-term positioning of the UN Development System, namely to ensure that the operational mandate and further development of the Treaty Bodies are sufficiently resourced;
- Ensure that no regular Treaty Body review sessions be curtailed by the present shortfall;
- Expound on the need for, and advantages of giving prominence to state obligations under treaty, general principles and peremptory norms of international law, as well as the Human Rights Treaty Bodies' observations, recommendations, interpretive instruments and reporting requirements (including data submissions) in SDG implementation, indicator development, monitoring, reporting and performance-evaluation processes;
- Set an example to prioritise states' human rights obligations in their UPR and HLPF reviews;
- Emphasise the message that the General Assembly's 2020 review be a process that requires strengthening and further developing the Treaty System.

HIC reaffirms the pledge to do its part.

The General Assembly 2020 evaluative process must remain true to its original intent of Strengthening and enhancing the effective functioning of the human rights treaty body system as the base of the legal function and human rights pillar of the System. References to the process must not be only to an ambiguous review that, in this day and age, risks to be construed as 'repeal and replace.' We are no longer at a point of mere gloomy speculation. This is a moment of truth for the paramountcy of human rights and, at once, the integrity of the UN System.

As a civil-society voice at this critical juncture, HIC can do no less than to rally Members, affiliates and allies to the cause of maintaining and further building the Human Rights Treaty System, including the Treaty Bodies. In doing so, we also count on your good efforts. With so much at stake in today's changing climate, further erosion of the Treaty Body System would herald irreversible losses to us all.