

Subject: Open Letter to UN leadership concerning the neglect of the Treaty Body System

Mr. António Manuel de Oliveira Guterres, Secretary General of the United Nations
Mme. Michelle Bachelet, High Commissioner of Human Rights
Mr. Coly Seck, President of the Human Rights Council
Mr. Mansour Ayyad al-Otaibi, President of the Security Council
Mme. Inga Rhonda King, President of the Economic and Social Council
Mr. Nouredine Amir, Chair of the Committee on the Elimination of Racial Discrimination
Mr. Danlami Basharu, Chair of the Committee on the Rights of Persons with Disabilities
Sir Malcolm Evans, Chair of the Subcommittee on Prevention of Torture
Mr. Ahmed Amin Fathalla, Chair of the Human Rights Committee
Mme. Hilary Gbedemah, Chair of the Committee on the Elimination of Discrimination against Women
Mme. Suela Janina, Chair of the Committee on Enforced Disappearances
Mr. Luis Ernesto Pedernera Reyna, Chair of the Committee on the Rights of the Child
Mr. Jens Modvig, Chair of the Committee against Torture
Mr. Ahmadou Tall, Chair of the Committee on Migrant Workers
Mr. Renato Zerbini Ribeiro Leão, Chair of the Committee on Economic, Social and Cultural Rights

Geneva, 21 June 2019
Transmitted by electronic mail

Your Excellencies, Ladies and Gentlemen:

As a civil organization in special consultative status with the United Nations through ECOSOC, Habitat International Coalition (HIC) is profoundly concerned to learn of the postponement or cancellation of some Treaty Body sessions already scheduled for 2019, as well as the possible reduction of future sessions due to funding delays and states' underfunding. Moreover, HIC sees this as a current indicator of a wider challenge to the rule of law in the weakening of vital institutions and civilising principles of international law and world order.

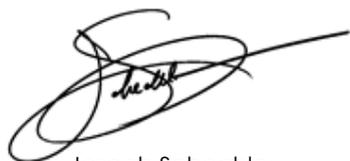
HIC has been operating as the civil society platform dedicated to upholding and further developing the UN's Habitat Agenda since its first iteration in 1976. HIC's collective positions and actions have always promoted peace, human rights and development, integrating the UN Charter's three purposeful pillars. Since 1990, HIC has cooperated with the Human Rights System consistently and has enjoyed special consultative status with ECOSOC since 1993.

This long-standing relationship with the United Nations and history of cooperative engagement provide the background necessary to perceive the current trend that we address in the accompanying statement "Strengthening the UN Human Rights Treaty System Now" with recommended action in which we pledge to join.

Many thanks for your consideration of the attached statement.

Please be assured of our highest consideration.

Sincerely,



Joseph Schechla
Coordinator
Housing and Land Rights Network –
Habitat International Coalition



Maria Lorena Zárate
President
Habitat International Coalition



Álvaro Puertas Robina
Secretary General
Habitat International Coalition

Habitat International Coalition (HIC) (<http://www.hic-gs.org/>) is the global network for the rights related to habitat. HIC struggles for social justice, gender equality, and environmental sustainability, and works in the defence, promotion and realization of human rights related to housing and land in both rural and urban areas.

HIC is a nongovernmental organization granted with Special Consultative Status with United Nation's Economic and Social Council since 1993. HIC is registered in The Netherlands Chamber of Commerce with the Commercial Register no. 40412090. This registration is administered by the Den Haag Chamber of Commerce. E-mail: gs@hic-net.org

Geneva, 21 June 2019

Strengthening the UN Human Rights Treaty System Now

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, the Human Rights Council, ECOSOC, the 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.

21 June 2019