

# **Treaty Bodies | Small States face big challenges in engaging UN treaty bodies**

07.04.2020

[Lire cet article en français](#)

[Lea este artículo en español aquí](#)

***By Malene Alleyne, Jamaican human rights lawyer and country researcher in an international study on the domestic impact of the UN treaty system, and Felix Kirchmeier, Executive Director of the Geneva Human Rights Platform and Manager of Policy Studies at the Geneva Academy.***

**Small States often lack the capacity to engage effectively with the treaty body system as currently structured—it must become more streamlined and present locally to have an impact.**

***This article was first published on [OpenGlobalRights](#) on 4 December 2019.***



Small States make a significant contribution to the United Nations treaty system. Despite their size, they serve as treaty drafters, thought leaders, and strong advocates for human rights. Nationals from small States serve on UN human rights treaty bodies, bringing diverse perspectives to key issues. And communities within small States enrich the system by providing treaty bodies with on-the-ground information, shining a light on invisible issues that affect vulnerable populations. In this sense, small States are critical to the advancement of an inclusive vision of human rights. Yet, small States face big challenges when engaging with the UN treaty system, particularly the UN treaty bodies that meet in Geneva.

Consider the case of Jamaica, with a population of [just under 3 million](#) people. Interviews with a range of stakeholders in Jamaica reveal that they face significant challenges that prevent them from fully engaging with UN treaty bodies. Major challenges include limited resources, a lack of awareness of the UN treaty system, and complexities in the treaty system that alienate domestic stakeholders. The experiences of three of these stakeholders illustrate these challenges, namely Jamaica's Ministry of Foreign Affairs, State institutions involved with the protection of human rights, and communities of rights-holders.

The issue of limited resources is seen vividly in the size of Jamaica's [Ministry of Foreign Affairs](#), whose relatively small staff must navigate a complex and, in some cases, inefficient process of treaty-body engagement. They prepare and present State reports to multiple UN treaty bodies, each with its own procedures and schedules. In this context, capacity constraints invariably lead to a backlog in State reports and slow implementation of treaty body recommendations. Capacity constraints also impact the composition of Jamaica's delegation to UN treaty bodies, which sometimes lacks high-level officials who can provide useful information. Of course, a lack of political will is an important factor behind some of these issues. Nevertheless, capacity constraints in the government cannot be ignored.

Beyond the Ministry of Foreign Affairs, interviews suggest that State institutions with critical perspectives on human rights—like parliamentary commissions—generally lack awareness of the UN treaty system. As such, they do not have a practice of engaging with UN treaty bodies.

**Travel to Geneva or New York involves a rigorous visa application process and is prohibitively expensive, meaning only the privileged can do so**

At the community level, rights-holders lack awareness of a treaty body system that is largely invisible to them. Even where civil society organisations have an awareness, engaging the treaty bodies is difficult. Travel to Geneva or New York involves a rigorous visa application process and is prohibitively expensive, meaning only the privileged can do so. The result is that only a small number of domestic civil society organisations present shadow reports, or appear before UN treaty bodies.

These challenges form part of the shared experience of small States across the globe, whose location and size inhibit full engagement with UN treaty bodies. Importantly, these challenges negatively affect the diversity of issues that reach the UN treaty bodies, and ultimately detract from the legitimacy of the treaty system. The consensus among interviewees in Jamaica is that the situation would drastically improve if treaty bodies were to visit the country.

**The upcoming review offers the opportunity to make two important changes: clustering State reports and doing a mid-term review of implementation at the national level**

The upcoming [General Assembly review of the treaty bodies](#) offers the opportunity to make two important changes to current practice: clustering State reports, so that performance under all ratified treaties is reviewed in two consolidated groups; and doing a mid-term review of implementation at the national level.

By combining reports on the implementation of several treaties and clustering the dialogues with the treaty bodies, the interaction of a State with the treaty bodies is [optimised](#). The State party, as well as other national stakeholders, can put less resources into repeated reporting and traveling to Geneva. But most importantly, the review under a number of treaties will be coordinated, enforcing synergies and avoiding unnecessary overlap in reporting and recommendations by the treaty bodies. Clustering will also enhance the visibility of the recommendations they make, as they are all issued at the same time, producing one coherent result, instead of the random and scattered way it is done today.

The second change concerns treaty body interaction at country level, [called for](#) by many national [stakeholders](#). Mid-way through the reporting cycle, a delegation of members of different treaty bodies would visit the country to discuss implementation of recommendations, engaging with government, including all concerned ministries, parliament, National Human Rights Institutions and National Mechanisms for Implementation and Follow-up, civil society and UN country teams.

This so-called [Technical Review of Implementation Progress \(TRIP\)](#), would have multiple functions: an assessment of measures taken, raising awareness of the treaty bodies, offering assistance in translating the recommendations to national realities, and ensuring accountability of the governments. The results of the TRIP would be reported to the full treaty bodies and inform the issues it raises in the next reporting cycle. The TRIP would also contribute to a comprehensive approach of human rights realisation, by providing links to recommendations of other human rights mechanisms, such as the [Universal Periodic Review](#) or [Special Procedures](#), as well as creating a link to related [SDGs](#) relevant for the implementation.

The 2020 treaty body review presents an important opportunity to deepen treaty-body engagement with national stakeholders. For small States, in particular, the proposed clustering of reviews and TRIP mechanism could address capacity constraints by streamlining State reporting and building capacity at national level. The national visit component of TRIP could also attract national stakeholders who have been alienated from the treaty body system. In so doing, TRIP could pave the way towards more inclusive discourse and action on human rights at the national and international level.

*The views and opinions expressed in this editorial belong solely to the author and do not necessarily reflect ISHR's.*

*Illustration: OpenGlobalRights*