

**LEGAL BASIS OF REPORTING PROCEDURE AS MEANS
OF COOPERATION BETWEEN THE UN HUMAN RIGHTS TREATY BODIES
AND NON-GOVERNMENTAL ORGANISATIONS**

1. Introduction

The United Nations (UN) has the most complex and developed international human rights enforcement mechanism which is based on the role of this organization in international relations. The Preamble to the UN Charter declares a cardinal principle of the UN: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (...)”. Article 1(3) of the UN Charter identifies one of the UN’s purposes as the following: “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.¹ Despite the fact that the UN Charter established neither human rights obligations for Member States nor enforcement mechanisms, it created the legal basis for the development of the international human rights law. In the following years, the key international agreements in the field of human rights protection have been adopted in the framework of the UN.

In the field of human rights, it is generally the states that assume the role to create formal legal rules and standards on international level, within or outside the scope of the UN, and implement them into their domestic legal systems. However, as observed by many scholars, the

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¹ The UN Charter, San Francisco, 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>, 10.10.2017.

NGOs have proven to be one of the most influential components in this process.² It should be noticed that there is growing interest of scientists in the role of NGOs within the UN system. This interest is reflected in a number of scientific researches made by D. Lewis, N. Kanji, R. Wadlow, P. Willetts, J.A. Hartwick, K. Nowrot, P. Spiro, J.-D. Aston, A.-K. Lindblom, M.W. Mutua and others. However, it is still relevant to research the current legal framework of relations between the UN and NGOs and define their role in the human rights enforcement mechanism of the UN.

NGOs played important role in the process of the UN foundation. It is a matter of historical record that had it not been for the lobbying of NGOs in San Francisco in June 1945, the Commission on Human Rights would never have been established. At the San Francisco Conference drafting the UN Charter, representatives from 42 NGOs pressed for the inclusion of human rights provisions in the Charter and for the establishment of the Commission on Human Rights. From the beginning, the NGOs have been the life-blood of the Commission.³

The adoption of the UN Charter marked the introduction of the notion “non-governmental organization” in international law and the principle of UN–NGOs cooperation was officially established (Article 71 of the UN Charter). Since that time the system of UN–NGOs collaboration was strengthened and became more effective. Within the framework of the ECOSOC several resolutions were approved – it created the mechanism of consultation with the NGOs through the granting of the consultative status and set the requirements and procedure for the obtaining of such status.⁴

At the World Conference on Human Rights in 1993 the Vienna Declaration and Programme of Action was adopted, which proclaimed that “there is a need for States and international organizations, in cooperation with non-governmental organizations, to create favourable conditions at

² S. Hobe, *Human Rights, Role of Non-governmental organizations*, Max Planck Encyclopedia of Public International Law, Heidelberg and Oxford 2012.

³ R. Wadlow, *The Growing Role of NGOs at the UN*, Global Policy Forum, January 26, 2012.

⁴ ECOSOC Resolution 1296 (XLIV), May 23, 1968; ECOSOC Resolution 1993/80, July 30, 1993; ECOSOC Resolution 1996/31, July 24, 1996.

the national, regional and international levels to ensure the full and effective enjoyment of human rights” (point 13); “While recognizing that the primary responsibility for standard-setting lies with States, the conference also appreciates the contribution of non-governmental organizations to this process. In this respect, the World Conference on Human Rights emphasizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations. Non-governmental organizations and their members genuinely involved in the field of human rights should enjoy the rights and freedoms recognized in the Universal Declaration of Human Rights, and the protection of the national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. Non-governmental organizations should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights” (point 38). These provisions gave a significant credit to the work of NGOs for the protection of human rights in cooperation with governments and international organizations. It is important to note that the Conference in Vienna has become a landmark event for NGOs in the context of their involvement. According to the data from Yearbook of the United Nations 248 NGOs in consultative status and 593 as NGOs-participants took part in the Conference.⁵

The process of standard-setting in the UN has led to the adoption of nine core international human rights treaties which create legal obligations for states parties to promote and protect human rights at the national level. These international human rights instruments are as follows:

- 1) The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965;
- 2) The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966;
- 3) The International Covenant on Civil and Political Rights (ICCPR), 1966;

⁵ Yearbook of the United Nations 1993, <https://www.unmultimedia.org/searchers/yearbook/page.jsp?bookpage=908&volume=1993>, 10.10.2017, p. 908.

- 4) The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979;
- 5) The Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment (CAT), 1984;
- 6) The Convention on the Rights of the Child (CRC), 1989;
- 7) The International Convention on the Rights of Migrant Workers and All Members of their Families (ICRMW), 1990;
- 8) The Convention on the Rights of Persons with Disability (CRPD), 2006;
- 9) The International Convention for the Protection of All Persons from Enforced Disappearances (ICPED), 2006.

Some instruments have expanded their scope of protection by means of the adoption of Optional Protocols, which are either procedural or substantive in character. Among the first category there are the Optional Protocols to ICCPR, CEDAW, CRPD and CAT. The first three Protocols provide for an individual complaints procedure in case of alleged violations of the rights set forth in the respective treaty. The Optional Protocol to CAT, adopted in 2002, establishes a system of regular visits to persons deprived of their liberty with an aim to reinforce measures to prevent torture. With respect to substantive protocols, the second Optional Protocol to the ICCPR commits state parties to take all necessary measures to abolish the death penalty within its jurisdiction. To enhance protection of children's rights, two Optional Protocols to the Convention on the Rights of the Child were adopted in 2000: on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict, respectively.

When the state ratifies a treaty it undertakes both negative obligations (to refrain from actions that violate human rights) and positive obligations (to take affirmative actions to guarantee that human rights are protected). In order to monitor state parties' obligations under the core UN international human rights treaties ten human rights treaty bodies were established: Human Rights Committee (HRC); Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination

of Discrimination against Women (CEDAW); Committee against Torture (CAT); Committee on the Rights of the Child (CRC); Committee on Migrant Workers (CMW); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED); The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. These bodies composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by state parties. The main function of these treaty bodies is to control the implementation of human rights standards by state parties through their periodic reports, individual complaints, country inquiries. Sometimes states, while presenting their reports in these UN bodies may present information that may be in contrast to the real situation with respect to certain human rights in state parties. These committees are interested in receiving information in areas where the government report does not give sufficient information and in areas of particular concern not covered, or in the opinion of the NGOs, covered incorrectly or misleadingly. Namely, the participation of NGOs together with the states allows the UN committees to carry out an objective assessment of the situation of human rights protection.

In the UN there is no unified document that regulates cooperation between NGOs and the UN treaty bodies. Such provisions of cooperation are set in every international human rights agreement separately or in other documents. Summarizing the provisions of various UN documents, it is possible to distinguish two procedures of cooperation between NGOs and the UN treaty bodies: reporting mechanisms and complaint mechanisms. Each procedure has its own requirements, limitations, and outcomes.

The essence of NGOs reporting procedure is that they may submit alternative or “shadow” reports which offer an alternate view of state compliance with international human rights treaty obligations. Typically, NGOs in such reports provide an alternative analysis of the state party implementation of the recommendations and the general situation with the respect to a certain group of human rights. The aim of the NGO

report should be to undertake a systematic analysis of the extent to which law, policy, and practice in the state party comply with the principles and standards of the UN human rights conventions. Because the UN conventions are primarily enforced through a reporting system, it is imperative that NGOs understand and use the reporting mechanism to maintain government accountability both to its residents and to the international community. The reporting procedure is most powerful enforcement mechanism and it is functioning as a continuous cycle. The cycle includes state party reporting to the treaty body; dialogue between the treaty body and the state party; concluding observations by the treaty body; follow-up by the treaty body, the state party, and civil society; and the next report.⁶ This cycle will not be effective without NGOs monitoring, participation, and informing the general public in the state.

According to the complaint mechanisms, NGOs may send complaints directly to the UN bodies. Having received such complaints, the UN bodies review the submission and can ask the state government concerned to take measures to protect the victim and to provide redress for the violation. At the same time, NGOs may send to the UN bodies complaint in order to inform about massive human rights violations.

2. NGOs and the Human Rights Committee

On the 104th session of the Human Rights Committee the document titled “The relationship of the Human Rights Committee with non-governmental organizations” was adopted, which sets different ways of NGOs involvement into the HRC activities. The purpose of this document is to clarify and strengthen the Committee’s relationship with NGOs and to enhance the contribution of NGOs to the implementation of the ICCPR at the domestic level.⁷ This paper emphasized that since the early 1980s NGOs have been playing an important role in the implementation

⁶ *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide*, <http://hrlibrary.umn.edu/iwraw/proceduralguide-08.html>, 10.10.2017.

⁷ The relationship of the Human Rights Committee with nongovernmental organizations, Human Rights Committee, 104th session, New York, March 12–30, 2012, http://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/104/3, 10.10.2017.

of the ICCPR and have been making contributions at all stages of the Committee's activities. NGOs have therefore a key role to play in informing the reporting process, at all stages, including for the preparation of the list of issues and for the follow-up to the concluding observations of the Committee. According to the mentioned document, there are five established ways of NGO communication with the HRC: consultations and inputs to the state party report; submission of NGO reports and presentation of oral information for the list of issue; NGO reports and presentation of oral information; NGO reports under the Committee's follow-up procedure to concluding observations; NGO reports under the review procedure (examination in the absence of a state report).

3. NGOs and the Committee on Economic, Social and Cultural Rights

This Committee is a subsidiary body of ECOSOC, and the latter's arrangements for consultation with NGOs are applicable to it. Because of the treaty monitoring function of the Committee, however, it has established its own procedures for relations with NGOs in addition to those of ECOSOC in general.⁸

According to the Committee's Report on the forty-fourth and forty-fifth sessions (2011): "In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it."⁹ They may do so in writing at any time prior to the consideration of a given state party's report. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organization, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first day at each of its sessions to enable representatives of non-governmental

⁸ A.-K. Lindblom, *Non-Governmental Organisations in International Law*, Cambridge and New York 2005, p. 397.

⁹ Official Records of the Economic and Social Council, 2001, Supplement No. 2, E/2001/22. E/C.12/2000/21, annex V "Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights".

organizations to provide oral information (point 52).¹⁰ Thus, the main activities that are open to NGO participation are consideration of state party reports, days of general discussion and drafting of general comments.

NGOs in general or special consultative status with ECOSOC may submit written statements to the Committee at its reporting sessions. NGOs without such status may submit written statements if they are supported by an NGO with consultative status. Statements thus submitted are translated into the working languages of the Committee and issued as UN documents if they have been submitted three months prior to the session.¹¹

4. NGOs and the Committee Against Torture

The legal basis of NGOs and the CAT cooperation is contained in Rule 62(1) of the Committee's rules of procedure, which states that "the Committee may invite (...) non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention".¹²

Anna-Karin Lindblom stated that information provided by NGOs is a very important source for the Committee Against Torture.¹³ The bright example that proves this statement is the inquiry on Egypt that was held in 1996 by the Committee Against Torture. Several NGOs presented information to the CAT that contradicted the information presented by the government of Egypt. Namely, the NGOs alleged that torture had been regularly practiced by the Egyptian police forces, especially by the State Security Intelligence, while the government stated that it remained

¹⁰ Report on the forty-fourth and forty-fifth sessions, May 3–21, 2010, November 1–19, 2010, Supplement No. 2, E/2011/22. E/C.12/2010/3.

¹¹ A.-K. Lindblom, [2005], p. 399.

¹² Rules of Procedure, August 9, 2002, CAT/C/3/Rev.4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspj97mN5ZrjC97kiQ8yzHLfR%2fuzuya6eexQbkbcVT0H%2b6uWI1Ncq%2f%2fVDjqyUfTUFPIKvu6WOe5S3%2bZ0%2fClrnNX%2bSIVvw5J3UM%2fqQJjdze4cGT>, 10.10.2017.

¹³ A.-K. Lindblom, [2005], p. 400.

committed to applying the articles of the Convention and that violations of the laws prohibiting torture constituted exceptional individual cases. As the government of Egypt refused the visit by CAT's representatives, the CAT in its report stated that the allegations of torture submitted by reliable non-governmental organizations consistently indicate that reported cases of torture are seen to be habitual, widespread and deliberate in at least a considerable part of the country.

The most influential INGOs that are combating torture are Amnesty International, Human Rights Watch, International Commission of Jurists, Association for the Prevention of Torture, World Organisation Against Torture.

5. NGOs and the Committee on the Elimination of Discrimination against Women

According to the Rules of Procedure of the CEDAW (Rule 47): "representatives of non-governmental organizations may be invited by the Committee to make oral or written statements and to provide information or documentation relevant to the Committee's activities under the Convention to meetings of the Committee or to its pre-sessional working group".¹⁴

NGOs are sometimes asked to pressurise their governments on different issues. In the report on its twentieth session, the CEDAW noted that a number of NGOs had been requested by the Committee's Chairperson to encourage ratification of the Convention. The Committee further noted that, as a result of those efforts, several states had accepted the Convention. In general, co-operation between state parties and NGOs on the national level in activities related to the implementation of the Covenant is seen as a positive factor by the Committee, and is encouraged.¹⁵

¹⁴ Rules of Procedure of the Committee on the Elimination of Discrimination Against Women, HRI/GEN/3, <http://www.un.org/womenwatch/daw/cedaw/cedawreport-a5638-RulesOfProcedure.htm>, 10.10.2017.

¹⁵ Report of the Committee on the Elimination of Discrimination Against Women, May 4, 1999, <http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>, 10.10.2017.

Some of the biggest and active INGOs in the sphere of protection of women's rights are Women for Women International, La Strada International, the NGO Working Group on Women, Peace and Security, the Association for Women's Rights in Development (AWID).

6. NGOs and the Committee on the Elimination of Racial Discrimination

The Convention on the Elimination of Racial Discrimination does not specify which information the experts of the Committee may use to assess the reports. Over a long period, the CERD did not accept information provided by NGOs. This policy, however, has been changed following the example of other human rights treaty bodies.¹⁶ In 1991 the Committee decided that "in examining the reports of state parties, members of the Committee must have access, as independent experts, to all other available sources of information, governmental and non-governmental".¹⁷ Since then the CERD takes into consideration information provided by NGOs.

In 1993, the CERD adopted a working paper to guide it in dealing with possible measures to prevent, as well as to respond more effectively to, violations of the Convention. The working paper noted that both early warning measures and urgent procedures could be used to try to prevent serious violations of the Convention. At its 45th session in 1994, the Committee decided that preventive measures including early warning and urgent procedures, should become part of its regular agenda. Early warning measures are to be directed at preventing existing problems from escalating into conflicts and can also include confidence-building measures to identify and support whatever strengthens and reinforces racial tolerance, particularly to prevent a resumption of conflict where it has previously occurred.¹⁸

¹⁶ Manual on Human Rights Reporting, 1997, <http://www.ohchr.org/Documents/Publications/manualhrren.pdf>, 10.10.2017.

¹⁷ Decision 1 (XL) of 13 August 1991, A/46/18; Report of the Committee on the Elimination of Racial Discrimination, 1992, p. 104.

¹⁸ Early-Warning Measures and Urgent Procedures, <http://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx#about>, 10.10.2017.

In August 2007 the CERD adopted revised guidelines on the early warning and urgent action procedure. According to these Guidelines (point 13) the NGOs may provide information to the CERD that indicates serious violations of the Convention on the Elimination of Racial Discrimination.¹⁹

7. NGOs and the Committee on the Rights of the Child

In the CRC there is no complaint mechanism; however, under Article 45(a) of the Convention, the Committee may invite specialized agencies, UNICEF, and “other competent bodies” to provide expert advice on the implementation of the Convention.²⁰ The term “other competent bodies” includes non-governmental organizations. This Convention expressly gives NGOs a role in monitoring its implementation. The Committee has systematically encouraged NGOs to submit reports, documentation or other information in order to provide it with a comprehensive picture of how the Convention is being implemented in a particular country. The Committee welcomes written information from international, regional, national and local organizations. Individual NGOs or national coalitions or networks of NGOs may submit information on the implementation of the Convention, as well as the Optional Protocols.²¹

The most influential INGOs in the sphere of the protection of children rights are Save The Children, Child Rights Connect (former NGO Group for the Convention on the Rights of the Child), CRIN (Child Rights International Network), Humanium.

¹⁹ Guidelines For The Early Warning And Urgent Action Procedures. Annual report, A/62/18.

²⁰ Convention on the Rights of the Child, November 20, 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, 10.10.2017.

²¹ Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child, Geneva 2006, p. 6.

8. NGOs and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Article 74(4) of the International Convention on Migrant Workers and its Committee states that: “The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit, for consideration by the Committee, written information on such matters dealt with in the present Convention as fall within the scope of their activities.”²² The Committee’s provisional Rules of Procedure made it clear that the expression “other concerned bodies” covers NGOs. According to Rule 28, the expression refers to “national human rights institutions, non-governmental organizations, and other bodies”.²³

On the framework of the Committee the International NGO Platform for the Migrant Workers’ Convention was created, which coordinates NGO initiatives to raise awareness of the rights of migrants and to facilitate the promotion, implementation and monitoring of the Convention. The members of this Platform are the following INGOs: Amnesty International, Anti-Slavery International, December 18, Fédération Internationale des Ligues des Droits de l’Homme, Franciscans International, International Catholic Migration Commission, Jesuit Refugee Service, Migrant Rights International, Organisation mondiale contre la torture, International Movement Against All Forms of Discrimination and Racism, Public Services International and the World Council of Churches.

9. NGOs and the Committee on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities, unlike other human rights treaties, does not establish new rights as such, rather it extends the reach of existing human rights norms to cover the situation of persons with disabilities in the most effective way. Under Article 34

²² The International Convention on Migrant Workers and its Committee, New York and Geneva 2005, <http://www.ohchr.org/Documents/Publications/FactSheet24rev.1en.pdf>, 10.10.2017.

²³ Provisional Rules of Procedure, CMW/C/L.1, February 13, 2004.

of the Convention, a committee of experts is entrusted with monitoring functions.²⁴ This monitoring work involves 3 main areas: periodic review of states parties' reports; but also (under the optional protocol) the conduct of direct enquiries in states parties, when there is reason to believe that serious human rights violations may be occurring in the state party; and review of individual communications.

NGOs are entitled to submit their independent shadow reports to the CRPD, to highlight the positive as well as the negative aspects in the implementation of the Convention at the national level. According to the Rules of Procedure, the CRPD may invite non-governmental organizations, including those that represent persons with disabilities, and other bodies or individual experts to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities (Rule 30). Also, the CRPD under the Rule 52 may invite NGOs to make oral or written statements and provide information or documentation relevant to the Committee's activities under the Convention to meetings of the Committee.²⁵

The example of INGOs which protect rights of persons with disabilities are Disability Rights International, The International Disability Alliance, Disabled Peoples' International.

10. NGOs and the Committee on Enforced Disappearances

On 30 December 2013 the CED adopted the paper called "The relationship of the Committee on Enforced Disappearances with civil society actors" which set the methodology of interaction with civil society actors. In this document the Committee considers that civil society has a key role to play in assisting it in discharging its mandate effectively by, *inter alia*, providing at any time genuine, factual and focused information in relation to the different activities that the Committee may carry out in

²⁴ The International Convention on Migrant Workers and its Committee, New York and Geneva 2005, <http://www.ohchr.org/Documents/Publications/FactSheet24rev.1en.pdf>, 10.10.2017.

²⁵ Rules of Procedure, Committee on the Rights of Persons with Disabilities, June 5, 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/042/41/PDF/G1404241.pdf?OpenElement>, 10.10.2017.

accordance with the ICPED. Non-governmental organizations in particular play a key role in assisting victims of enforced disappearances to access the Committee.²⁶

According to this document NGOs may take part in such procedures: 1) provide information during the reporting process and provide alternative reports; 2) submit a request that a person be sought and found as a matter of urgency; 3) provide assistance to the alleged victims in submitting individual communications to the Committee; 4) provide reliable information indicating that a state party is seriously violating the provisions of the ICPED, which may trigger a visit by the Committee to the state party concerned under the terms of Article 33 of the ICPED; 5) provide information containing well-founded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a state party, which may trigger the Committee to bring such information to the attention of the General Assembly in accordance with Article 34 of the ICPED; 6) provide reports on cases of intimidation, persecution or reprisal against any individual who has sought to address and/or cooperate or has addressed and/or cooperated with the Committee by submitting information in relation to the state parties' reporting procedure under Article 29, urgent actions, individual communications, information relevant to violations of the ICPED or by having met the Committee during its country visits.

11. Conclusions

On the basis of the mentioned above, we may sum up that the UN realised the benefits of working with NGOs and sought to strengthen their relations with them. There are certain steps that can be taken within the UN in order to increase the effectiveness of NGOs involvement in the process of monitoring of state obligations in the sphere of human rights protection. Over the years, the UN opened up for more

²⁶ The relationship of the Committee on Enforced Disappearances with civil society actors, Committee on Enforced Disappearances, December 30, 2013, http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/1_Global/CED_C_3_7365_E.pdf, 10.10.2017.

interaction with NGOs and created diverse ways to bring them into its system. For example, the Report of the Panel of Eminent Persons on United Nations–Civil Society Relations (so called Cardoso report), released in 2004, favoured new guidelines and practices that affect NGO access to and participation in the UN processes, and provides the basis for ongoing discussions about reforming the UN system for NGO activities.²⁷

In 2009 the reform of the UN human rights treaty bodies known as the Dublin Process was launched by the UN High Commissioner for Human Rights Navi Pillay. The reforming process, which lasted from 2009 to 2012, included formal meetings, consultations, observation of written submissions by state parties, treaty bodies, academics, national human rights institutions and civil society organizations. In June 2012 the UN High Commissioner for Human Rights has published the report “Strengthening the United Nations Human Rights Treaty Body System”, which contains the detailed analysis of existing problems in the functioning of the UN treaty bodies and suggests new ways to solve them. Namely, the Commissioner emphasised that the effective engagement of national human rights institutions and civil society organizations with the treaty body system is hampered by numerous factors including limited awareness, capacity and resources, the multiplicity of models of interactions with the treaty bodies, and in some cases alleged reprisals from the state party.²⁸

On 9 April 2014 the General Assembly adopted resolution 68/268²⁹ that institutes significant changes to the treaty body system and directs recommendations for their implementation by the UN treaty bodies. The UN General Assembly approved a package of measures, the main of

²⁷ Report of the Panel of Eminent Persons on United Nations–Civil Society Relations, 2004, UN Doc. A/58/817, [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/09916F545454357BC1256F5C005D4352/\\$file/A-58-817.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/09916F545454357BC1256F5C005D4352/$file/A-58-817.pdf), 10.10.2017.

²⁸ U.N. High Commissioner for Human Rights, Strengthening the United Nations Human Rights Treaty Body System, 44 U.N. Doc. A/66/860, June 26, 2012, p. 65.

²⁹ Resolution of the General Assembly 68/268, Strengthening and enhancing the effective functioning of the human rights treaty body system, April 9, 2014, <https://undocs.org/A/RES/68/268>, 10.10.2017.

which are the following: 1) the allocation of additional time for treaty bodies to hold meetings, as well as the provision of adequate financial and human resources from the regular budget to support their activities; 2) measures to increase the capacity of state parties to fulfil their treaty obligations; 3) measures to improve the accessibility and transparency of the treaty body system; 4) increasing the efforts of the treaty bodies to improve the consistency of the system based on their working methods; 5) measures aimed at ensuring the independence and impartiality of treaty bodies.

The resolution also contains a paragraph on the adoption of effective measures to combat intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies (Point 8). At the 27th Meeting of Treaty Body Chairpersons, that was held in 22–26 June 2015, Guidelines against Intimidation or Reprisals (“San José Guidelines”) were adopted.³⁰

Currently, the process of implementation continues and in accordance with paragraph 41 of the resolution 68/268, no later than 2020 the General Assembly will undertake a comprehensive review of the effectiveness of measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

Thus, based on the above-mentioned review of the UN treaty bodies reporting system, it is noticed that each of them has different engagement rules and has its own procedure of cooperation with representatives of civil society. As to the future development of the current reporting mechanism it would be desirable to develop a common approach to the system of interaction between NGOs and UN human rights treaty bodies. Such unified system could be enshrined in a document adopted by all treaty bodies. This would greatly simplify the mechanism of interaction with civil society and would increase the effectiveness of cooperation.

Having analysed the mechanisms of collaboration between treaty bodies of the UN human rights treaty bodies and NGOs, it should be

³⁰ Guidelines against Intimidation or Reprisals, 27th Meeting of Chairpersons of the Human Rights Treaty Bodies, July 30, 2015.

concluded that the representatives of civil society are vital elements of the UN human rights enforcement procedures. The effectiveness of this system depends on the activities of the NGOs at national and international levels. In the UN system NGOs are traditionally independent watchdogs whose main objective is “blowing the whistle” when or if states are not fully implementing their obligations under international human rights treaties.

S u m m a r y

A relatively recent phenomenon in modern international law is the role of civil society in the monitoring of international human rights agreements. From the vast array of non-state actors, the growth of non-governmental organizations (NGOs) over the past few decades has been exponential – it allows them to become a backbone of civil society at all levels. Since the end of the Second World War, the nature of the relationships between civil society and governments has been changing. Due to this fact, the relations between the UN bodies and NGOs also have changed. The aim of this article is to analyse the reporting procedure as a tool of cooperation between NGOs, especially international NGOs (INGOs) and the UN treaty-based bodies in the sphere of human rights.

Keywords: the UN, NGOs, human rights, the UN treaty bodies, cooperation, committee