

## **V. CONCLUSIONS: THE INCREASING ROLE AND IMPORTANCE OF HUMAN RIGHTS NGOs**

Over the last 60 years an almost explosive growth of NGOs for the promotion and the defence of human rights has taken place. At the time of the drafting of the Universal Declaration of Human Rights, some 15 NGOs with consultative status were involved in this process. In 1993, some 1,500 NGOs participated at the World Conference on Human Rights in Vienna. After the end of the East-West confrontation, the 1990s became the decade of the NGOs; they moved out of the shadows of the Cold War, entered the mainstream of engagement of civil society and have been gained in influence and power. In 1998, Theo van Boven, former Director of the UN Centre for Human Rights, valued this broad human rights movement as one of the most important and hopeful developments after World War II: "The emergence of all these organizations at the international scene and their activities within many nations of all five continents, Africa, Asia, the Americas from North to South, Australia and Europe, is more than symbolic evidence of the universality of the human rights constituency. This development constitutes the backbone of the human rights movement. Without the efforts and the input of this movement the global human rights situation would be bleaker."

### ***Individual Complaints***

Today, there are five UN treaty bodies, namely

- the Human Rights Committee (III.2)
- the Committee on the Elimination of Racial Discrimination (III.3)
- the Committee on the Elimination of Discrimination against Women (III.4)
- the Committee Against Torture (III.5)
- the Committee on the Rights of Persons with Disabilities (III.8)

which can receive individual communications provided the relevant State party has ratified the relevant optional protocol or made the necessary declaration (see chart 28). Two other options for individual complaints, the Optional Protocol to the ICESCR (III.1) and Article 77 of the ICMW (III.7), are not yet in force.

The model form for communications should also be used for communications under the so-called extra-conventional mechanisms, addressed to Special Rapporteurs on specific countries or themes (cf. chapter II). The activities of those mechanisms are based on communications received from various sources containing allegations of human rights violations. Besides the victims or their relatives local and/or international NGOs fulfill an important role.

### ***States Reports***

NGOs can play an important role by getting involved in the preparation of a periodic report of a State party (see charts 28 and 29); they can

- urge the responsible ministry to submit the report on time;

- ensure that the report is disseminated in the country concerned as well as the minutes of the Committee's debates on the report and the concluding observations;
- submit a parallel ("shadow") report to the report of a State party;
- submit information to the pre-sessional working groups which meet at the end of each session to prepare the following session;
- attend the meetings where the reports of States parties are examined (although no statements can be made, it is possible to consult committee members outside the meeting and to propose questions for them to pursue with the reporting State party).

### ***NGO Participation in Geneva and New York***

NGOs with consultative status may attend all public meetings of the Human Rights Council, the human rights committees of the treaty bodies, and working groups. Their main activities include

- lobbying on resolutions including suggested wording to be used;
- convening parallel informal meetings with experts, NGO and government representatives to consider action on specific countries or themes;
- submitting reports to special procedures;
- meeting with Special Rapporteurs on themes and countries.

NGOs are well advised to concentrate their efforts, to "speak with one voice". The more NGOs cooperate and intensify the dialogue among themselves, the stronger NGOs can present their issues orally and in written form vis-à-vis experts and government representatives. The model of the NGO Group for the Convention on the Rights of the Child is a good example and should lead to the formation of similar coordinating groups for the other UN treaty bodies.

### ***More Transparency Through NGO Activities***

Chart 30 offers an overview about the development of the status of UN human rights instruments between 1993 and 2010. The "network" of States parties to the eight human rights instruments treated in this book increased from 750 to 1,142 (including non-UN members).

Undoubtedly, the UN human rights treaty system has its own record of success, although financial resource constraints led to a number of serious bottlenecks, such as the understaffed OHCHR, restriction of documents, constraints arising from the lack or delays in translation, huge backlog in States reports due under the various treaties. To-day, there are eight treaty bodies which have consolidated their methods of considering reports of States parties. They have developed and improved forms of coordination with each other. The committees make considerably greater use of NGO documentation and other information on human rights developments.

However, there exist several "holes" in the network. It starts with the fact that many States parties made reservations and declarations. National NGOs

should compile and discuss the number and the extent of the reservations and its implications in their countries.

The failure of many States parties to submit reports, on time or at all, as well as the frequent presentation of reports of poor quality and the failure to follow established guidelines has been mentioned above. Again, national NGOs are advised to draw the public attention in their countries to those failures to fulfil and improve the regular reporting obligations.

Furthermore, NGOs should get engaged in the translation, if necessary, and dissemination of the reports and also of the concluding observations of the treaty bodies at the national level.

NGOs should also take an active role in critically examining the work of the UN treaty bodies so that more effective performance could be achieved. One important and necessary step consists of improving the rather uneven quality of the membership of the treaty bodies. Unfortunately, the terms “personal” and “experts” are interpreted in a rather flexible way. There is room for NGOs to have some kind of input into the electoral process which is presently lacking.

Finally, the possibilities of concrete operational activities should be mentioned; in the context of “good governance” programmes, national human rights NGOs working on the ground can apply for financial support for projects which are subcontracted by donor countries and UN agencies.

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### ***E-Resources:***

Amnesty International:

<http://www.amnesty.org/en/united-nations>

Centre for Civil and Political Rights:

<http://www.ccprcentre.org/en/home>

Child Rights Information Network:

<http://www.crin.org>

Human Rights Watch:

<http://www.hrw.org/en/home>

International Commission of Jurists:

<http://www.icj.org>

International Service for Human Rights:

<http://www.ishr.ch/>

International Women's Rights Action Watch:

<http://www.iwraw.net>