



**Statement by Alliance Defending Freedom at the Forum for Civil Society  
held by the Co-Facilitators of the Intergovernmental Process  
on Strengthening and Enhancing Effective Functioning of Treaty Bodies**

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Alliance Defending Freedom is an ECOSOC-accredited non-governmental organization engaged in the social policy debate at the United Nations and other international institutions. We have focused a good part of our work on the defense of human rights from an international law perspective. We've found that often recommendations made by treaty monitoring bodies exceed their mandate. Therefore we call upon these bodies to comply with the limits set for them in the treaties that created them.

State parties do have definite obligations under international human rights treaties, and the United Nations should be most interested in effectively implementing international human rights standards. This work is undermined, however, when Treaty Bodies act *ultra vires*, as such actions undermine respect for international rule of law.

We agree thorough reform is essential. Treaty Bodies have lacked efficiency for a long time. Different arguments have been made to justify this inefficiency, and much emphasis has been given to the lack of resources. Unfortunately, the problem we are facing with the work of treaty bodies goes beyond resources and money. Even though we agree on some of what has been proposed to reduce costs and improve work, such as the implementation of webcasting their proceedings, this should not replace written official records which are essential for accountability, nor should accepting such proposals be considered essential for treaty bodies' effectiveness. These reforms are superficial, not substantive. Ultimately, the real problem, as already mentioned, lies in the treaty bodies assuming powers which do not belong to them.

Some specific instances we can refer to when addressing the treaty body working methods that should be reviewed and reformed are the following:

1. The criticism of specific laws of countries, undermining the sovereign prerogative of countries to enact and preserve legislation that is not altered by anything written

within the four corners of the treaty documents. This can be seen in particular with regard to abortion; there is not one single global United Nations treaty that contains a so-called “right to abortion,” yet treaty bodies act as if there is such a right, unwarrantedly pressuring countries to change policies protecting unborn life.

2. Comprehensive general comments that pretend to authoritatively commit state parties to a particular interpretation of the treaties, essentially attempting to rewrite treaties or add terms to them which were never agreed upon by the States Parties that negotiated, signed and ratified such treaties.
3. The confusing term given to the treaty body member’s views as “jurisprudence”. This term in several common law and civil law countries means binding legal precedent. Treaty body recommendations are clearly not binding. Also to be avoided are any words implying adjudication (such as “sentence” or “decision”) when referring to “Views” under optional protocols.

We would like to encourage member states to consider these concerns, and ask that the implementation of any change not be made until the inter-governmental process issues its recommendations and decisions, so we may see Treaty Bodies strengthened in a holistic manner and not in an *ad hoc* fashion. Thank you.