**Contribution by the Republic of Belarus to the OHCHR report on the implementation of General Assembly resolution 68/268**

1. The current reporting system is generally acceptable and requires some adjustment, notably in terms of further strengthening a constructive dialogue between States parties and treaty bodies.

2. A simplified reporting procedure with the preparation of periodic reports based on a list of issues prior to reporting (LOIPR) constitutes an effective practice. Belarus has already submitted several periodic reports based on this procedure. This procedure helps to make the dialogue between the State party and the treaty body more focused on the issues important for a specific State party.

Meanwhile the treaty bodies shall not exaggerate with the individual cases while preparing the LOIPR since the reporting procedure foremost provides for an opportunity of reviewing national policies and legal approaches to fulfill the obligations under respective treaty.

From practical point of view, it is important to ensure that the LOIPR is promptly translated from the working languages of the treaty body into all official UN languages, especially the language officially used by the State party. Currently the translation of the LOIPR is often made with long delays.

3. During the dialogues, a more equal time management should be ensured between the treaty bodies and States parties. The treaty bodies have to limit the number of questions addressed to delegations in order to give the State party reasonable opportunity to respond to them and to explain its position. Currently the number of questions often exceeds the objective capacity of the delegation to answer to them.

4. It is also important to ensure that States parties and non-governmental organizations comply equally with the limits on the amount of written information provided to treaty bodies. At present, the scope of alternative reports is not regulated.

5. It is also advisable to further implement paragraph 5 of UNGA resolution 68/268 in terms of developing an agreed methodology by treaty bodies for conducting a constructive dialogue with States parties. In this context, it is advisable for the treaty bodies to develop unified rules of procedure in this part, in cooperation with States parties. A unified format of dialogue between treaty bodies and States parties will facilitate the preparation of the State party for dialogues.

6. The implementation of paragraph 6 of UNGA resolution 68/268 remains relevant. Treaty bodies should prepare shorter and clearer concluding observations and recommendations on the results of consideration of national periodic reports. When formulating them, treaty bodies should strictly adhere to the scope of their mandates and not address issues that are monitored by other treaty bodies.

7. The treaty bodies shall be aware that their formats and methods of work, established by the rules of procedure (like a so-called follow-up procedure), are not legally binding for State parties. For example, the Optional Protocol to the ICCPR, in which the individual communication procedure was agreed upon by States parties, does not provide for any follow-up. However, the Secretariat regularly sends requests to the States parties under a so-called follow-up procedure that is not provided for by the Optional Protocol. However, Article 11 of the Optional Protocol provides for the possibility of amending it and establishes a clear procedure for that. According to paragraph 2 of Article 11 “amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes”.

In this context, it should recall paragraph 9 of UNGA resolution 68/268, which “…encourages the treaty bodies to continue to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing their effective functioning, *bearing in mind that these activities should fall under the provisions of the respective treaties, thus not creating new obligations for States parties*”.

8. Belarus recognizes the importance of sufficient funding of the treaty body system from the regular budget. The issue of allocating additional resources might be considered only after the treaty bodies’ capacity to optimize their activities has been exhausted and all opportunities provided by UNGA resolution 68/268 are fully implemented.

9. The Belarusian experience on the individual communications procedure under the Optional protocol to the ICCPR shows that the existing practice of processing individual communications is far from being consistent with the provisions of the international treaties. The treaty bodies tend to assign themselves with the functions and authority of a judicial body and they require from the States parties to take actions, inherent to judicial proceedings, with regard to communications.

This approach has created favorable conditions for a misuse of the individual communications procedure since it gives a false impression of the capacity of the treaty body to resolve individual cases. While not a de jure judicial procedure, the individual communications procedure nevertheless intrudes into the national jurisdictions of States parties and, moreover, entitles the Committee to render opinions on decisions of national courts.

The growing number of individual communications registered for consideration is not an indication of the effectiveness of this procedure. It shows mostly that the rules of procedure, certain practices and methods of work shall be reconsidered with participation of States parties of the treaty.

Belarus disagrees with this interpretation of the individual communications procedure from the legal point of view, yet remains available to cooperate with the respective treaty bodies on this matter.