**Response by the Republic of Lithuania**

**to the questionnaire in relation to the General Assembly resolution 68/268
on the Treaty Body Strengthening Process**

**February 2022**

International protection of human rights is at the pivot of the United Nations human rights treaty body system. Therefore, Lithuania strongly supports efforts to strengthen treaty body system and to enhance its efficiency, effectiveness and predictability. Lithuania cooperates with the United Nations human rights treaty body system to the best extent possible fulfilling its obligations, cooperating with and supporting the UN Human rights system. Lithuania is a state party to almost all of the United Nations core human rights instruments and their optional protocols.

An increase in the number of treaties and ratifications by States, as well as the entry into force of new optional protocols for individual complaints procedures and the increase in the number of individual complaints raise a demand to review *States reporting and dialogue**with UN treaty bodies, the individual communications and complaints procedures and working methods*.

**States reporting and dialogue with UN treaty bodies**

Lithuania highlights the importance of having a solid treaty body system in coordination with other human rights mechanism, such as the Special Procedures, Human Rights Council, Universal Periodic Review and regional systems. The development of synergies and complementarities with other international human rights bodies could be also improved.

The major challenges that the UN system confronts is non-compliance of States in reporting (late or non-reporting) and implementing recommendations obligations. Aligning the reporting frameworks and standards with the stakeholders’ ability to both data gathering and analysing is a crucial part of the process. All stakeholders – States, treaty bodies, OHCHR, national human rights institutions, civil society – should give due consideration to their respective role and responsibility in this process.

Lithuania undertakes decisive steps to further improvement of the human rights situation in the country with particular attention given to progress on the implementation of the recommendations addressed to Lithuania during the Universal Periodic Review and other United Nations human rights protection mechanisms. Therefore, we encourage all countries to comply with their international obligations and to implement recommendations of United Nations human rights treaty bodies.

Lithuania welcomes the fact that some achievements have already been made by the treaty bodies implementing GA resolution 68/268, including the alignment of their working methods and simplifying reporting procedure as reports are limited/shorter, more concentrated on follow up of the recommendations. Nevertheless, we believe more could be done for further harmonization regarding the simplified reporting procedure and follow-up procedures as they vary in the different treaty bodies and eliminating overlaps or duplications.

Lithuania supports data driven decision making which strengthens greater collaboration and information sharing across all stakeholders. Using traditional reporting methods to access information often creates an additional burden. We believe that increasing access to open government data offers new reporting opportunities including real-time data, therefore initiatives to unlock and use such data should be further supported.

The unified format of dialogues between the UN treaty bodies and the State party could be very helpful, providing more time for the preparation of the State answers. The use of modern communication technologies can facilitate the participation of states in the reviews and dialogues and it also can enhance the engagement with other stakeholders like NGOs with limited capacities and resources to meet with treaty bodies in Geneva.

The information on UN internet page about UN treaty body system could be more simplified. The user-friendly calendar with foreseeable reporting cycle may facilitate the States reporting obligations.

**Individual communications and complaints procedures**

Lithuania calls for an evident need to substantially improve the assessment of admissibility of individual communications and complaints to ensure that communications, as well as various forms of additional comments by the authors, that clearly do not meet the admissibility criteria would not be communicated to the State party for its observations. In this regard, strict application of admissibility criteria should be enhanced and more transparent mechanism of their assessment should be introduced. It would be useful to consider the possibility to follow the best practices of other international adjudication bodies of e.g. setting up of a new ”Filtering Section”, similar to one efficiently filtering out of the very large number of inadmissible cases brought before the European Court of Human Rights each year.

In our opinion, due to the substance and legal implications of the individual communications and complaints procedures, the relevant issue of the abuse of process should also be addressed, by expressly envisaging respective provisions and introducing effective countermeasures commonly recognized in judicial procedures of the EU Member States, such as restrictions on representation, fines for abuse of process, etc. In this respect, the quality of representation of the authors is an issue worth noting and thus it should be focused on improving it. It could be addressed by adapting relevant rules followed by other international adjudication bodies. For example, the provision enshrined in the Rule 361 para 4(b) of the Rules of the European Court of Human Rights enabling to give direction to the author to seek alternative representation where the circumstances or the conduct of the advocate or other person appointed for the representation so require[[1]](#footnote-1).

In conclusion, Lithuania avails itself of this opportunity to expresses its support for the treaty body strengthening process and its engagement in this process.

1. [Rules of Court - 1 February 2022 (coe.int)](https://www.echr.coe.int/documents/rules_court_eng.pdf) [↑](#footnote-ref-1)