**QUESTIONNAIRE IN RELATION TO GENERAL ASSEMBLY RESOLUTION 68/268**

**COMMENTS BY BRAZIL**

a) Comments by States on the implementation of General Assembly resolution 68/268, including those provisions addressed to States.

Overview

The GA Res. 68/268 identified various instruments that can help us improve the reporting system, the election process, as well as the resource allocation. The implementation phase has resulted in a significant reduction in operating costs and cost-savings, which translated into meeting time. It has also provided for the simplification of procedures for dialogue with
states and non-governmental organizations, as well as for the possibility of simplified reporting procedures (SRP). The innovations contained in the resolution must be seen as an important step towards the effective functioning of the TB, but they have proven to be insufficient.

Concerning the provisions addressed to states, in Brazil, the Ministry of Women, Family and Human Rights is charged with the role of gathering the information for the production of the periodic reports, including for the Common Core Document. It conducts extensive consultations with the national bodies, as well as civil society, in an open and transparent debate on the challenges faced in each area and on the successful experiences to be shared with the
international community. It is a time consuming and costly task, which requires constant oversight, in order to ensure satisfactory results.

Reporting activities

There is still room for improvement in the TB in terms of designing concrete policies and programs to streamline reporting. The realization of this common goal requires cooperation with states and other stakeholders, and it is this objective that should be pursued, as countries continue to share information on their best practices.

Brazil attaches great importance in assuring results based on accurate and thorough data. Overall, most of the statistics on the implementation of GA Res. 68/268 are based on a quantitative approach to reporting measurement. The analysis typically compiles the
number of reports to be submitted and to be assessed, which results in a high level of non-compliance with reporting obligations.

For a better, tailor-made evaluation, states could receive a mix of quantitative and qualitative
information. For instance, it would be possible to merge reporting analysis with the level of income of the reporting countries (LDCs,.), or the number of years since the accession to the treaty, or other institutional capacity indicators, which would allow state parties to address different aspects of the issue at hand in examining the strengths and weaknesses of the system, based on new ideas on how to increase compliance and reduce the structural backlog of the TB.

Accountability

Also associated with the implementation of the GA Res. 68/268 is the lack of an accountability framework for the TB experts in their activities, in the form of a proper institutional arrangement, which would not threaten their independence and impartiality.

Methods of work

In terms of calendar, it would be advisable to hold annual organizational meetings of all human rights treaty bodies, inviting states, civil society and other relevant actors. Making the calendars broadly available could be of use to states and to other stakeholders to enhance their collaboration with human rights mechanisms. Furthermore, these meetings would
help publicize the work of the treaty bodies, and bring it closer to states.

Brazil stresses the relevance of more cooperation and dialogue between TB and member states, the legal subjects of international obligations emanating from treaties. In that regard, we would like to highlight the following:

- the fact that approximately only 15% of state parties meet their reporting obligations, and yet the nine treaty bodies with reporting procedures still have a structural backlog of reports, even after being granted additional meeting time in 2015, leading the system to "reach its functional ceiling"; and

- states` limited capability to follow up on and implement multiple TB recommendations in addition to the Universal Periodic Review and Special Procedure recommendations, as well as by regional systems, and ensuing constraints and "cost implications" for "implementing the human rights agenda in the first place".

In addition, resolution 68/268 also invites the TB and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to work to increase coordination and predictability in the reporting process, with the aim of achieving a regular schedule for reporting by states parties. Brazil supports such goal.

In order to enhance follow-up measures, another suggestion is that the experts also meet with state parties before presenting the List of Issues (LOI) or the List of Issues Prior to Reporting (LOIPR).

b) Comments by States on the state of the human rights treaty body system in view of the upcoming review by 9 April 2020, of the effectiveness of the measures taken in order to ensure their sustainability, and, on any further action to strengthen and enhance the effective
functioning of the human rights treaty body system.

The 2020 review should aim at supporting the human rights treaties to reach their full potential and addressing reporting disparities in accordance with each country`s capabilities. Helping States onto the path of implementation and follow-up is, ultimately, the best way for the United Nations to contribute to the long-term protection and promotion of human rights.

On the road to 2020, some aspects deserve careful attention:

1. the review should include an intergovernmental process;
2. the General Assembly should reaffirm the role of the TB in the prevention of human rights violations. Yet, it must recognize that their revitalization depends upon a high level of political support;
3. treaty bodies should be consulted individually and jointly, without compromising their independence, and in full compliance with the instruments that inform their actions; and
4. the work of these bodies should contribute to dealing, in a constructive manner, with the challenges faced by states and, to the extent possible, stimulate the adoption of measures that contribute to non-repetition of violations.

Brazil believes that a preventive, long-term, sustainable approach, capable of mustering existing UN mechanisms, agendas and resources, would work for the benefit of treaty bodies and the international human rights system at large. The benefits of preventive solutions concerning specific TB challenges, such as work overload and resource constraints are clear and straightforward.

We therefore encourage this process to better "communicate" with other ongoing UN processes such as the OHCHR 2018-2021 Management Plan, or the implementation of the 2030 Agenda for Sustainable Development. This could not only meet the OHCHR`s concerns with regard to mainstreaming human rights across the system, but also its primary mission of
ensuring their universal promotion and protection.

Another aspect that deserves attention is the complementarity amongst the TB system, the Universal Periodic Review (UPR) and Special Procedures mechanism. Brazil supports further reflection on the relationship between recommendations produced by these three mechanisms. Likewise, we acknowledge the idea of giving further attention to the relation among binding treaty body reporting and the UPR and Special Procedures engagement.