**Estonia’s comments on the implementation of the General Assembly resolution 68/268 “Strengthening and enhancing the effective functioning of the human rights treaty body system”**

Estonia welcomes the work of the Secretary-General on strengthening and enhancing the work of the treaty bodies. We highly appreciate the previous report on the functioning of the human rights treaty body system and welcome the opportunity to give some inputs to the third biannual report.

First of all, Estoniawould like to recall that the UN Human Rights system and in particular human rights treaty body system, when carrying out the task of promoting and protecting the human rights, does not work in isolation but alongside with regional systems for the promotion and protection of human rights. For instance, we would like to mention the work of the OSCE and the Council of Europe. Different human rights systems, being universal or regional, should work in close cooperation and dialogue in order to bring synergies in human rights protection to strengthen and complement each other’s activities.

In this context, we would like to refer to the similar competences of the treaty monitoring bodies to review individual complaints and to the competence of the European Court of Human Rights (ECtHR) to receive individual applications, which judgments are legally binding to the Council of Europe Member States. In order to avoid possible contradictory interpretation of procedural rules and human rights standards and to limit the possibility of forum-shopping, the coherence of the findings should be strengthened by promoting dialogue between the various treaty bodies and with the regional systems for the protection of human rights, the ECtHR, especially.

The human rights treaty bodies with their independent, impartial and highly qualified members exercising their functions with high ethical and moral character are important actors in keeping the Member States on track when implementing their obligations under the human rights treaties.

Estonia would like to emphasise, that we highly value the guidance given by the human rights treaty bodies both through the general comments as well as through the constructive dialogues when reviewing the implementation of the commitments made by Member States. Although each human rights treaty body has its own rules of procedure and specificities how dialogues with the Member States are carried out, we welcome the efforts of the human rights treaty bodies to streamline the reporting process as well as implementation of the simplified reporting procedure. Estonia has made good use of the latter and notes that the simplified reporting procedure has helped to be more focused given also the quite tight restrictions on word or page limits for the reports and other relevant documents.

While we welcome and fully support the simplified reporting process, that has eased the burden of the Member States to some extent, Estonia sees the dialogue with the treaty bodies as the most important element in the review process and would like to offer some thoughts in that regard.

**Frequency of the reviews**

Having very recently been reviewed by two treaty bodies within a short period of time (within two weeks) we would first like to stress that a Member State should have enough time to prepare for a consideration of a report. We would like to suggest that the human rights treaty bodies coordinate scheduling of the meetings with each other and that consideration of state reports should not put unnecessarily heavy burden to Member States, as in many countries the issues under different conventions are dealt by the same offices and officials. Scheduling the consideration of different reports within a very short timeframe does not allow Member States to prepare properly; hence, they are not able to serve the human rights treaty bodies in the most efficient way.

Therefore, we would **like to suggest that no more than one report concerning a particular Member State would be considered by a treaty body within 6 months.**

Being aware of the difficulties in finding suitable timetables for different UN human rights treaty bodies’ meetings, we would for practical reasons (for instance, difficulties to find appropriate accommodation) very much welcome if the treaty bodies’ meetings and the consideration of reports would not coincide with other meetings with high number of participants in Geneva.

**Use of modern technologies**

We would like to pay particular attention to the positive impact the broader use of modern technologies has already had to the accessibility and awareness raising of the treaty bodies monitoring system. We would like to encourage the treaty bodies to continue to widen the usage of ICTs within their activities.

We appreciate that consideration of reports is available online on UN TV webcast offering everyone the opportunity to follow the discussions. At the same time, we would like to suggest widening the use of ICTs to the online consideration of reports via videoconferences, offering the officials of the Member States to participate in the meetings from their capitals. Such ICT opportunities could be first considered in a pilot project where Estonia may offer itself to be the test case.

While being aware of the advantages of direct contact with the members of treaty bodies in Geneva, we would like to highlight some advantages that online communication may have. For instance, as it is not possible for all experts to travel to Geneva, online communication would allow broad participation of all relevant experts in the dialogue. Broad participation is of particular importance when the range of questions to be discussed is extraordinarily wide, as for example in the case of ICCPR and ICESR. After carrying out a pilot project, it would be possible to draw conclusions and analyse the advantages and/or disadvantages of this kind of e-consideration of reports.

If introduction of this kind of e-consideration of reports would not be acceptable at this point of time, a partial e-consideration could be considered. In this case, some experts could participate in the consideration of the report via videoconference, while other members of the delegation could attend the meeting in Geneva in person. This would also alleviate some concerns regarding accommodation in Geneva when treaty body meeting co-insides with other high-level and international meetings that attract many visitors.

**Nature of a constructive dialogue**

According to the current practice, a Member State submits a report to the treaty body, followed by possible additional written questions prior to the consideration of the report. The Member State replies to the questions within given timeline and word count limits and the consideration of the report follows. The consideration of the report is supposed to be a constructive dialogue between the Member State and the treaty body. The consideration of the report is finalized with the adoption of the concluding observations of the treaty body. It could be more constructive if the members of the treaty body would submit their questions, which they would like to raise during the meeting, or at least indicate the fields of particular interest to the Member State prior to the meeting. This would save time during the meeting and allow the Member State to give answers to the treaty body, which are detailed and of better quality.

Moreover, a treaty body meeting is not supposed to be an examination for the Member State checking whether the delegates know all the details and statistics by heart. Therefore, in case the treaty body members have very specific and detailed questions, it would be more useful for all parties, if the questions were submitted to the Member State for instance 48h before the meeting. If a treaty covers very broad range of issues, as is the case with the two covenants (ICCPR, ICESR), it could be useful to clarify the range of questions of interest to the Member State so that relevant experts of the field could participate in the meeting. The same concerns the discussion of the report. We appreciate the practice of consideration of State reports by ICESR Committee, which groups the questions under different clusters, which makes it easier for the delegation to answer the questions. We would like to suggest that other treaty monitoring bodies could also explore this kind of practice and consider possibilities of its further use.

We would also follow with interest the possible novel approach of the two committees to have simultaneous review of the reports.

We would also like to encourage better cooperation between different treaty monitoring bodies to avoid possible discrepancies in their respective concluding observations. At the same time, we are not certain whether direct reference to specific paragraphs of each other’s concluding observations constitute the best practice to be followed.

**Effectiveness of a constructive dialogue**

According to the current practice, the Member State can read only from the concluding observations where the treaty body sees the need to strengthen efforts by the Member State. However, it would be of great value to the Member State if concrete suggestions were made and concerns expressed already during the consideration of the report. This would make the dialogue more interactive and enable immediate reflection and reaction by the Member State. This kind of more interactive discussion and immediate reaction and spontaneous discussion on the spot would be useful for all sides, as this kind of dialogue would minimize potential misunderstandings between the Member State and the treaty body.

In addition, sometimes treaty bodies in the frame of the concluding observations raise concerns or make recommendations based on information, which is hard to track by the Member State. Hence, it is very hard to investigate the case in order to provide remedies and/or discontinue the alleged violation. Having the dialogue on the concerns raised and possible recommendations made by the treaty body during the consideration of the report would have merit also in this regard.

**Treaty bodies and individual complaints**

What concerns the competence of treaty bodies to receive and review individual complaints, we would like to raise an issue of possible overlapping of jurisdictions and conflicting findings of different human rights monitoring bodies as this may present a threat to the coherence of human rights law and to the credibility of human rights institutions. Better cooperation and dialogue between various human rights treaty bodies and awareness and acknowledgment of each other’s practices enables the Member State to avoid potential uncertainty over how to best fulfil its human rights commitments.

**In conclusion, we would like to renew our commitment to contribute to the dialogue on enhancing the effective functioning of the work of the treaty bodies and to reiterate our strong support to the Secretary-General in continuing his effort to enhance and strengthen the work of the human rights treaty bodies.**