**Written contribution of NHRC, India as a co-facilitator for review of the UN Human Rights Treaty Bodies**

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| **Sr. No.** | **Issues outlined** | **Written contribution** |
| 1. | The functioning of the treaty body system: its efficiency, effectiveness, strengths and weaknesses; suggestions for its further improvement; | Section 12(f) of the Protection of Human Rights Act, 1993 (PHRA) mandates the National Human Rights Commission of India to “study treaties and other international instruments on human rights and make recommendations for their effective implementation”. The NHRC carries out this function primarily through recommendations to and discussions with the concerned Ministries of the Central Government. The NHRC uses this power to ensure that draft bills conform to the international human rights standards that have been accepted by the Government of India. It supplements this through a host of programs, conferences, workshops and seminars that raise awareness, and to take necessary steps needed to protect human rights defenders in keeping with best international practice. In addition to pursuing the case for the signing and ratification of International Human Rights Instruments with the Government of India, the Commission also reviews the domestic laws of the country to ensure the implementation of the International Conventions at the national level and to ensure that domestic laws are in line with international human rights standards.  The Government of India usually sends to the NHRC for its comments, all draft legislation with a human rights component. The NHRC examines these drafts, where necessary asking experts in the field for their advice, and sends its recommendations to the Government. Select Committees of Parliament often refer important legislation on human rights issues to the NHRC for its comments and advice.  Since its inception in 1993, the NHRC has undertaken numerous initiatives with respect to the review of existing domestic laws and implementation of international conventions/treaties and other instruments on human rights which includes Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, Right to Education Bill, 2005, The Prohibition of Child Marriage Act, 2006 and many others. |
| 2 | Implementation of UNGA resolution 68/268 and views on biennial report of the  UN Secretary-General on the status of the treaty body system; | After considerations of suggestions of all the State parties, civil societies, NHRIs and other relevant stake holders,  the General Assembly may adopt such measures with an objective of achieving greater compliance to reporting obligations and follow up of recommendations of Treaty Body by the State parties, by harmonizing/simplifying the working methods of all the ten human rights treaty/conventions. |
| 3 | Good practices and methodologies in relation to working methods and procedural matters, including harmonization and alignment of working methods; | NHRC, India has never participated in the drafting process of ‘general comments’ by any of the UN Treaty Bodies.  While the NHRC, India has had limited engagement with Treaty Bodies, it believes that the following treaty body working methods are of value - (1) Issuing concrete and implementable 'Concluding Observations' to state parties (2) efforts to enhance interaction with NHRIs (3) Reporting Guidelines for State Parties (4) Interpretation of human rights provisions in treaties in the form of 'General Comments', and (5) (i) Involvement of NHRIs in the formulation of its working guidelines by the Committee on UNCRPD through personal presence/skype and (ii) Involvement of concerned NHRI during the examination of State Parties by Treaty Body. |
| 4 | Coordination and predictability in review cycles and reporting; | In order to enhance access to treaty bodies by NHRIs and ensure NHRIs' effective participation in and contribution to the treaty body system, the treaty bodies' procedures and working methods must be strengthened and be made as aligned and harmonized as possible and that concrete proposals to this end, may be developed and considered in a consultative and inclusive process involving both treaty bodies and NHRIs, by the next, Annual Meeting of Treaty Body Chairpersons in 2020. In this regard, the draft harmonised approach to NHRI engagement with treaty bodies, adopted in 2006 in Berlin, Germany; the Marrakech Statement adopted in 2010 in Marrakech, Morocco; as well as the experiences and best practices as identified in the GANHRI background paper may be taken into due consideration. |
| 5 | Current reporting system, including common core document, and ways to further improve and simplify reporting for States parties whilst ensuring the substantive quality of the national reports; | It is seen that there is significant variance in the working methods adopted by different Treaty Bodies which may create confusion among the State Parties and other stakeholders including Civil Society actors and NHRIs. There is need, therefore, to bringing uniformity in the working methods of different Treaty Bodies. As far as NHRIs are concerned, this may affect their engagement with the Treaty Bodies. |
| 6 | Dialogue between States and treaty bodies both in preparation for and during States reviews as well as in follow-up to the review; | The Treaty Bodies themselves are also having backlog of State Party reports already received, but yet to be considered. According to United Nations Secretary General’s report No. A/74/643, as on 31.10.2019, there were 183 reports pending consideration. The Treaty Bodies during the year 2018-2019 could consider only 150 reports. Keeping this in view, the capacity of Treaty Bodies, in terms of resources including staffing needs to be enhanced. |
| 7 | Assessment of the concluding observations and recommendations; | A Focal Point may be nominated in each concerned Ministry for first reporting and/or implementation of the related concluding observations and recommendations of a treaty body committee, as per the national plan. |
| 8 | Strengthening the engagement with civil society and other relevant stakeholders; | Regular monitoring of the national plan for first reporting and/or the implementation of the concluding observations and recommendations of a treaty body committee, on the ground should be made independently by the officials of the Nodal Ministry, the officials of the concerned Ministry, civil society, NHRI etc. after making a wide publicity with the use of IT. |
| 9 | The capacity-building programme, experiences and impact, in terms of reporting and in terms of national implementation of recommendations; | The Capacity Building activities and training sessions can be explored through Webinars to adequately equip the State Parties to familiarize them with the knowledge for preparation of the National Reports and for reminding/sensitizing the State Parties about prompt and timely submission of National Reports.  The training programmes and Capacity Building activities may also be held for National Human rights Institutions as well as Civil Society Groups to create awareness and support knowledge about the Treaty Body System and the opportunity available for making submissions about the human rights situations prevailing in the country. |
| 10 | Use of new information and communications technologies and its potential to further increase efficiency and accessibility; | In view of the current disruption of work at the Global level because of the COVID Pandemic the Treaty Body System may have to reposition and reorient itself towards the digital tools to ensure that the Treaty Body sessions and its work is not hampered. The necessary tweaking of working methods and procedures may be required to be made. |
| 11 | Opportunity of reviews in countries or in regions; | A Parliamentary committee should be  formed to oversee the national plan for first reporting and/or the implementation of the concluding observations and recommendations of a treaty body committee as well as to report to the Parliament about the implantation of the said national plan. |
| 12 | Preserve and strengthen the independence and impartiality of treaty body members and ensure diversity in terms of gender, geography, background, expertise, representation of different forms of civilization and principal legal systems, as well as the participation of persons with disabilities; | NHRIs and Treaty Bodies engage in a symbiotic relationship, as Treaty Bodies issue recommendations aimed at strengthening NHRIs, while NHRIs participate in the reporting process and provide relevant information for the treaty monitoring bodies. NHRIs also play a significant role in the follow-up to Treaty Body recommendations, helping strengthen the international system and the domestic implementation of international standards in order to strengthen the independence and impartiality of treaty body members. |
| 13 | Enhancement of the coordinating role of treaty bodies Chairpersons; | In order to enhance access to treaty bodies by NHRIs and ensure NHRIs' effective participation in and contribution to the treaty body system, the treaty bodies' procedures and working methods must be strengthened and be made as aligned and harmonized as possible and that concrete proposals to this end, may be developed and considered in a consultative and inclusive process involving both treaty bodies and NHRIs, by the next, Annual Meeting of Treaty Body Chairpersons. |
| 14 | Overall coherence of the treaty body system and the collaboration among treaty bodies as well as within the UN system and with regional monitoring bodies; | One of the key roles of NHRIs, as outlined in the Paris Principles, is the interaction with international human rights mechanisms and the promotion of ratification of human rights treaties[[1]](#footnote-1). National Human Rights Institutions have a duty to contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.  The Paris Principles draw on a number of provisions outlining what NHRIs could do at the international level, such as encouraging States to ratify relevant treaties, the promotion and protection of human rights at the national level; contributing to reporting procedures; and co-operating with international and regional bodies. Therefore, the Paris Principles draw a set of guidelines concerning NHRI engagement with the international human rights system as this engagement is essential for the appropriate performance of the protective mandate of National Institutions. |
| 15 | Funding of the treaty body system and ensuring that treaty bodies have an adequate allocation of financial and human resources for all their mandated activities; | OCHCR/UNGA should ensure that adequate allocation of funding, both financial and human recourses are made available to all treaty bodies for their mandated activities. |
| 16 | Current system of processing individual communications, inter-State communications and urgent actions: its efficiency, effectiveness, strengths and weaknesses; suggestions for its further improvement; | It is seen that there is significant variance in the working methods adopted by different Treaty Bodies which may create confusion among the State Parties and other stakeholders including Civil Society actors and NHRIs. There is need, therefore, to bringing uniformity in the working methods of different Treaty Bodies. As far as NHRIs are concerned, this may affect their engagement with the Treaty Bodies.  Currently only A status NHRIs have the opportunity to make statements during the Treaty Body sessions. It is worth exploring as to whether even NHRIs having B status be allowed to participate in the Treaty Body meetings and make statements. |
| 17 | Accessibility for persons with disabilities and wider accessibility and visibility of the work of the treaty bodies; | NHRIs should held regular open house meetings in the vulnerable areas to encourage persons with disabilities to have wider accessibility and visibility of the work of various treaty bodies. |
| 18 | Efficient and effective use of the meetings of States parties. | NHRIs should held regular open house meetings in the backward areas to encourage the vulnerable people including weaker sections, minority community and marginalized groups to come forward to submit their concerns about the implementation of the national plan on first reporting and/or concluding observations and recommendations of a treaty body committee and to direct the concerned Govt. Authorities to uphold their rights on  considering relevant Govt reports within a time frame. (Example- The NHRC, India, has been holding Open House meetings for Scheduled Caste and Scheduled Tribes in backward districts and other areas to call their grievances including past grievances by giving sufficient publicity including advertising in newspaper and in electronic media. On the receipt of grievances/complaints of the public persons, the concerned Govt. Authorities/Officials are being directed to attend the Open House meetings along with their respective replies/reports regarding these grievances/complaints. Considering, the grievances/complaints and the related Govt. replies/reports, the NHRC Members instantly passes the orders to uphold the human rights of the people of weaker sections, minority community and marginalized groups to instill the sense of belongingness to the national plan and the Govt. system.) |

1. [↑](#footnote-ref-1)