**Brazil's written contributions to the process of consideration of the state of the United Nations Human Rights Treaty Body System**

The treaty bodies (TB) play a central role in the international protection of human rights. In addition to monitoring the implementation of the relevant covenants and conventions, the treaty bodies should be prepared to engage constructively with member states to address possible gaps and shortcomings, based on international experience and good practices.

The GA Res. 68/268 identified various instruments that can help us improve the reporting system, the election process, as well as 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 are important contributions towards the effective functioning of the TB, but they have proven to be insufficient.

Reporting to the TB is a time consuming and costly task, which requires constant oversight and a permanent structure, in order to ensure satisfactory results. In Brazil, the Ministry of Women, Family and Human Rights is charged with the role of coordinating the elaboration of the periodic reports, including for the Common Core Document. It conducts extensive consultations with the competent 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.

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 national situation.

DATA ON THE IMPLEMENTATION OF GA RES. 68/268

Brazil attaches great importance to 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. In their reports, the TBs should take into account the level of development of the reporting countries, particularly regarding LDCs, the number of years since the accession to the treaty and other institutional capacity indicators. State parties should be supported by the TBs in addressing different aspects of the issue at hand, based on the premise of constructive engagement and cooperation, with a view to promoting compliance and reducing structural backlogs.

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 mandatory code of conduct or comprehensive rules of procedure. Such measures would establish common standards for TB experts during country reviews, when preparing individual communications and releasing press communiqués, while ensuring their independence and impartiality. The TBs often adopt an adversarial stance, rather than engaging constructively with the concerned country to jointly address gaps and shortcomings.

REPORTING AND TB METHODS OF WORK - Assessment of the Position Paper by the Chairs of the TB

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

- The fact that only 19% of state parties meet their reporting obligations (according to the last survey carried out by the UNSG, on October 31, 2019), and yet the nine treaty bodies with reporting procedures still have a backlog in analyzing reports, even after being granted additional meeting time in 2015, attests to the structural challenges that the system currently faces; and

- Any proposal to reform the TBs methods of work should take into account states’ limited capability to present multiple reports, follow up on and implement TB recommendations in addition to the Universal Periodic Review and Special Procedure recommendations, as well as by regional systems.

Resolution 68/268 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 List of Issues Prior to Reporting (LOIPR).

Brazil welcomes some of the proposals contained in the "Position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system", especially:

-the development of a standard list of issues prior to reporting and the coordination among the TBs in order to avoid unnecessary overlap and duplication;

-the scheduling of reviews in accordance with the reporting cycle, ensuring that an appropriate period elapses between reviews by Convention Committees;

-the possibility of submitting a single consolidated report to both Covenant Committees;

-ensuring that concluding observations are short, focused, concrete and prioritized, balancing immediate with longer terms priorities and objectives.

In view of high reporting costs and the growing backlog in the reviewing of country reports by the TB, Brazil favors longer cycles. The Covenant Committees should review countries on a 10-year cycle, synchronizing the timing of their reviews and the Universal Periodic Review (UPR), which is approximately every 4-5 years. Unless the provisions of a particular Convention provide otherwise, Convention Committees should review countries on a 5-year cycle.

In cases of structural backlog of country reports, the TBs should offer technical assistance and cooperation to the state party concerned.

Complementarity amongst the TB system, the UPR and Special Procedures mechanism deserves attention. 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.

Supporting States onto the path of implementation and follow-up is, ultimately, the most effective approach for the United Nations to contribute to the long-term

protection and promotion of human rights.

The work of the TBs should contribute to address, in a constructive manner, the challenges faced by states and, to the extent possible, stimulate the adoption of measures that contribute to non-repetition of violations. The TBs can play a positive role in highlighting best practices and relevant country cases on similar issues.

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, and 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.