**Chile’s position paper on the Treaty-based Bodies review process**

Chile has been part of the consensus regarding the need to strengthen and enhance the effective functioning of the Human Rights Treaty Body system, in which the States, civil society, the OHCHR and the Treaty Bodies under review participate. In this context, Chile wishes to start by reaffirming its principle of respect for Treaties, the support for the Treaty Bodies and the relevance of resolution 68/268, the provisions of which have had a positive impact on the submission of our country's periodic reports and on the quality of national processes.

We appreciate the various instances for reflection in the review process, the common issues and concerns raised by the non-paper prepared by Costa Rica, the Presidents of the Treaty Bodies and the High Commissioner for Human Rights, as well as the work and guidance of the co-facilitators, Switzerland and Morocco. Likewise, we welcome and give special recognition to the importance and contribution of the participation of civil society and National Human Rights Institutions during this process.

Below, we will detail some relevant aspects of the implementation of resolution 68/268, in accordance with national experience:

* **Simplified reporting procedure (OP 1 - 2)**

Chile has supported this provision, while aiming to adopt this procedure in front of all the Treaty Bodies. Nevertheless, we have noticed that said Bodies have implemented them in different ways. While some have applied them to all reports –initial or periodic– others have done it only to the periodic ones and under the condition that the States have fulfilled the requirements established by each Treaty Body.

In this regard, the decision to standardize the applicability criteria of the simplified procedure presented in the position paper of the Chairs is an idea that Chile commends and supports (in line with OP 9).

* **The constructive dialogue (OP 5)**

The State review (national delegation) before a Treaty Body is the culmination point of the periodic report and implies substantive work from both parties.

The structure of each review, the time distribution, the number of questions posed by the experts, among others, varies from one Treaty Body to another. In our experience, national delegations who have participated in the reviews recognize the difficulty encountered when answering all of the questions and greatly regret the limited time available for answering. For this reason, Chile would appreciate if national delegations could have more time for submitting their answers. In order to do that, extra time should be allocated to the States, while the questions of the Treaty Body experts should be limited.

Moreover, in the end of each examination the States have the possibility of submitting their written answers within 48 hours. Chile suggests this time limit is extended to 96 hours. This, considering the situation of the countries located further away from Geneva, which have a bigger time difference, and therefore more difficulties in the coordination of said answers.

Without neglecting the specificities and mandates of each Committee, we wish to reaffirm the need for all Committees to develop a harmonized methodology for the reviews with the States, in order to make the dialogue more effective, to maximize the use of available time, to allow for a more interactive and productive dialogue and to facilitate the preparation of the State prior to the event. This is also in line with the provisions of OP 9. As an example, the CERD Committee considers within its procedure the provision of a list of the topics that will be discussed, and which functions as orientation for the preparation of the examination. We highlight this positive practice and consider that it could be extended to other Committees.

Chile also considers that economic resources should not become conditioning factors for a country's participation in the Periodic Review Processes. For this reason, we welcome and support the proposal of some Committees and States to conduct them in other United Nations regional offices besides Geneva, like ECLAC, UNON and others, even Headquarters in New York. This proposal could be assessed favorably and, in case it is implemented, the dialogues with the countries of the same region could be grouped, which would require previous coordination of the agendas, an issue directly related to the predictability of the reviews. This, under the understanding that changes in practices require pilot exercises in order to assess costs and benefits.

Chile also values the possibility that Treaty Bodies may conduct the examinations via videoconference. Even though this is not the best option, it should be considered for LDCs & SIDs countries, as it would allow the participation of delegates and experts from the capitals, and it would translate into substantial savings.

Finally, for all the topics raised in this point and in the following one –the concluding observations- Chile would like to stress the importance of multilingualism and accessibility.

* **Concluding observations (OP 6)**

The Treaty Bodies do not have uniform criterion regarding the number of recommendations and orientations. In this sense, we value the proposal to limit the final recommendations to 25, which should be prioritized and balanced between immediate and long-term objectives.

Moreover, we would like to call on the Treaty Bodies to avoid the duplication of recommendations or, depending on the case, we propose that when a recommendation has been already formulated by other Committee, they make explicit reference to it (in line with OP 9). This would be extremely useful for their implementation by the State.

Chile reaffirms the importance of having brief, precise and concrete concluding observations and that they represent the State’s examination. We encourage the maintenance of the good practice of including in said document the submission date of the next periodic report and of the follow-up. In this sense, we suggest that along with specifying the dates, the word limit for the reports is also stated.

* **Greater efficiency and effectiveness (OP 9)**

There are proposals suggesting the division of the internal work of the Treaty Bodies into small groups or chambers, which would facilitate catching up with the backlog, especially regarding individual communications. From our perspective, this alternative should be analyzed. However, in terms of costs reductions it is unclear, as it should be considered that the work of the experts from the Committees has to be supported by the Secretariat. And if more communications or reports are analyzed, the work hours of the Secretariat will be higher.

* **Candidates for Human Rights Treaty Bodies (OP 10 – 13)**

Chile encourages transparent election processes where candidates have the opportunity to present their academic and professional credentials in Human Rights, to States, civil society and NHRIs. These **voluntary** presentations could be virtual and interactive, keeping in mind that it is essential to ensure multilingualism and accessibility for persons with disabilities.

Chile expresses its deep conviction about the need to develop mechanisms to ensure gender parity, participation of experts with disabilities, equal geographical distribution and the representation of the different forms of civilization and the principal legal systems. And we would like to stress the importance of having updated information about it on the OHCHR website.

Moreover, we consider it essential that all regions are represented, regardless of the higher electoral capacity of some countries over smaller ones. Chile welcomes all efforts –taking into consideration the provisions of each Treaty– towards preventing the overrepresentation of one region over another, as well as the permanent presence of countries in certain Committees.

Once the new experts are elected, it is also essential to recall the value of compliance with the Guidelines on the independence and impartiality of members of the Human Rights Treaty Bodies (“The Addis Ababa Guidelines”), in line with what it is provided in OP 35, 36 and 37.

* **Limit of words (OP 15 - 16)**

This provision of the resolution has been important in terms of resource savings, since each document must be translated into the working languages of the Committees and, in addition, processed by the national bodies responsible for implementing the recommendations. In the Chilean case, we have noted that Committees are quite strict with States in the compliance of this provision. A positive practice in our view.

However, we have noted some loopholes in the follow-up reports on concluding observations, as there is no uniform approach by the Committees. Thus, for example, while CEDAW has recently defined a new limit of 3500 words, CED maintains one of 5000. Moreover, there is no word limit in documents regarding individual communications or investigation procedures.

Accordingly, Chile suggests that the Committees standardize their criteria by harmonizing their guidelines for the preparation of reports and that these guidelines be stipulated in the concluding observations.

* **Technical assistance and capacity-building (OP 17 – 20)**

Our country makes a very positive assessment of the technical assistance provided by the OHCHR, in accompanying and supporting the building of national capacities in the processes of preparing reports, following up on recommendations and in the preparation of constructive dialogue. Chile has benefited particularly from the technical assistance of the Regional Office for South America. The direct assistance delivered by said Office has demonstrated to be a valuable contribution for process uniformity and for sharing experiences within the region.

Chile, in its experience as a member of the core group of the Convention Against Torture Initiative (CTI) acknowledges the difficulty faced by smaller countries and less developed ones in complying with the obligation of submitting periodic reports. This issue has been raised by several small Pacific and Caribbean Islands as the main obstacle to ratification of UNCAT. For these reasons, we suggest strengthening the technical assistance and ensuring financial resources for the OHCHR to support States in complying with their obligations.

* **Budget (OP 26 – 28)**

It is important to note that among the reasons for the increase in the activity of the Treaty Bodies, and therefore the increase in expenses, is related to the increase in ratifications of Human Rights instruments by States, which is very positive.

Nevertheless, considering the general budget cuts and austerity measures carried out by the UN Secretary General, it seems necessary that Treaty Bodies adequate themselves to this new financial reality of the UN system, that might be exacerbated in a predictable future of post-pandemic economic crisis.

For us, it seems fundamental that the measures outlined along this review process do not increase the operating costs of the Treaty Bodies but optimize their resources.

* **Predictability in the reporting process (OP 34)**

We recognize that the Treaty Bodies have difficulties in predicting an exact date for the submission of periodic reports well in advance. However, we encourage the Treaty Bodies to be as proactive as possible in anticipating a predictable reporting schedule, with the cooperation of the States. In this line, we support the initiative of the CCPR and CESCR Committees of examining countries in eight-year cycles and synchronizing the calendar of their examinations according to what is established in the Chairpersons position paper. Likewise, we support the four-year cycle –unless otherwise provided in a Convention- proposed for the other Committees.

In the case the reviews of a State Party are scheduled by several Treaty Bodies in a short time, we consider that the calendar should be modified in order to guarantee an appropriate period of time between the said examinations. And, in any case, our country appreciates the flexibility that the Treaty Bodies have shown so far in accommodating possible date changes in the face of exceptional situations that may affect any country (e.g. Natural Disasters). We encourage the continuation of this flexibility.

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