**Submission of Costa Rica to the process of the consideration**

**of the state of the UN human rights treaty body system**

**General considerations of the functioning of the treaty body system, the implementation of UNGA resolution 68/268 and the current process of consultation**

Resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty bodies, asks us to review the effectiveness of the measures taken in order to ensure their sustainability, and to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

Costa Rica considers that the 75th Anniversary of the UN is a key moment to assess strategic issues that serve to strengthen the human rights treaty system. We are called to carry out this evaluation focused not only on what we have done so far, but on what actions we are calling to implement to sustainably improve the effective operation of the system.

A good functioning of human rights treaty body system is essential to monitor and follow-up of the human rights obligations acquired by the States. This can be translated into a greater effectiveness and efficiency of the promotion and protection of human rights on the ground.

Costa Rica is aware of the growing challenges that the treaty bodies are facing due to the increasing number of ratifications and a greater use of the existing complaint mechanisms. In addition, the system has the challenge of finding solutions to the accumulation of individual communications, the administrative burden, and the late submission of reports by States. Paradoxically, the lack of total compliance or the delay in the submission of reports by the States have prevented the collapse of the system

On the other hand, the working methods and procedural rules of each committee, as well as the coordination between the different committees, are additional challenges, but these matters are in the hands of each committee and the OHCHR secretariat.

Although the first phase of the implementation process of resolution 68/268 was not straightforward, Costa Rica recognizes the efforts made by all stakeholders in the last years and, particularly, recognizes the independence and uniqueness of the role of each of the committees. Therefore, the efforts undertaken within various committees to align working methods, adopt the simplified reporting procedure or increase coordination and collaboration between them are highly appreciated. In addition, some committees have formed working groups internally to address specific issues, as well as the nomination of focal points to project themselves for the revision of the treaty bodies in 2020.

These constant and increasing efforts of all human rights treaties bodies committees have been shared during informal meetings with States Parties. In this regard, it will be extremely useful to streamline in a simple and concise manner, the list of concrete improvement measures taken by all committees. This will be not only useful to have a better picture of the progress on the implementation of the resolution 68/268, but it could be also combined with some information of tangible impact of the measures so far, as a first attempt to assess the efficiency and effectiveness and, secondly, to determine in which areas it’s required to concentrate more efforts.

Despite all the efforts undertaken, this has not been enough. A significative progress on the harmonization of working methods will be very appropriate to move forward the discussions related to the allocation of more financial and human resources. There is a lack of awareness about the growth of the treaty body system and the amount of human and financial resources that are required to fulfill their tasks.

The resolution 68/268 addresses several issues to strengthening and enhancing the effective functioning of the human rights treaty body system so, it is not necessary to start from scratch. It would be logical to check what issues failed to be addressed on that resolution and are required or accurate to put on the table at this stage.

Some documents compile different ideas and proposals put on the table by several stakeholders and they reflect on how the functioning of the treaty bodies system could be enhanced. The “Position paper of Chairs of the human rights treaty bodies on the future of the treaty body system” (June 2019), the non-paper “Towards the 2020 treaty body review” (submitted by Costa Rica on behalf of 45 other State Parties on June 2019), the “Joint civil society position paper on the upcoming review of GA resolution 68/268” and the document “"Towards a strengthened UN treaty body system - Civil Society Proposals" (October 2019) and the Geneva Academy’s Academic Platform Report on the 2020 Review “Optimizing the UN Treaty Body System” (May 2018) are just some examples of several documents that go on the same line.

In this regard, the Treaty body Chairpersons Position Paper on the future of the treaty body system deserves to be highlighted because the propositions are made with the main aim of increasing the protection of rights holders, by focusing, coordinating and streamlining the reporting process and the dialogues. The proposals in this position’s paper focus firstly on the general alignment of the working methods, particularly: the simplification of the reporting procedure; the reduction of unnecessary overlap; the interaction with Stakeholders, the reporting cycle; the timing of reviews (in accordance with the reporting cycle); the reports; the format of dialogues in Geneva; the format of concluding observations and the follow-up procedure.

Secondly, the proposals place the emphasis on the review capacity of the treaty bodies: all treaty bodies agree to increase their capacity to review state party reports and individual communications. Finally, given the considerable benefits in conducting dialogues with States parties concerning their reports at a more local level, the focus is also placed on the reviews in the region.

Costa Rica trusts that this process will facilitate the interaction between States parties and other stakeholders and the treaty bodies, and therefore strengthen the treaty body system.

**Views on specific issues**

***Coordination and predictability in review cycles and reporting***

A coordinated and fixed calendar is necessary to facilitate the process engineering to manage the overall reporting burden and to plan in a more effective way the reporting and the report processes, not only to comply with the obligations of the core international instruments but also with other human rights mechanisms such the Universal Periodic Review and the reports to submit to the Inter-American Commission on Human Rights. In addition, Costa Rica receives and tries to respond to more than 60 questionnaires requested either by the Special Procedures or by the Office of the Human Rights Commissioner in follow up of Human Rights Council Resolutions.

On the other hand, a coordinated and fixed calendar could also help to engage the civil society, to give a greater visibility to the reviews and to ensure the regularity of reviews as provided for in the treaties.

***Current report system***

*Costa Rica has used the simplified reporting procedure, when it is proposed to do so, to submit various periodic and follow up reports and the experience has been positive. This procedure has been applied to many reports prepared at the national level in follow-up to international obligations.*

*While the simplified reporting procedure has contributed significantly to focusing preparation and reporting, there should be greater coordination between committees to avoid duplication and overlap on the “List of Issues” when reports or dialogues are given in periods of less than 2 or 3 years.*

***Dialogue between States and treaty bodies***

The treaty body committees should continue working to create synergies to achieve greater coherence and coordination to avoid repetition and overlap. When a country faces certain structural gaps, dialogues could be focused on addressing those gaps.

Costa Rica considers that even greater efforts are required to align doctrine and procedures to avoid duplication of questions by different bodies in relatively short periods of time, since public policies are implemented in a broader time frame and the results are only measurable in a given period. Thus, in the experience of Costa Rica, which has presented up to 4 exams in a period of 18 or 20 months, there are duplication of questions by various committees, although these are repeated legal obligations, many of them agree on the matter. Therefore, greater synergy should be sought in the assessment carried out by different committees.

The treaty body committees should also highlight the positive advances of the States, in order to seek greater commitment on the part of them towards the system and have a strict adherence to factual methods rather than to theoretical, rhetorical reflections and avoid ideologization.

***Concluding observations and recommendations***

Recommendations should be stated in a concrete manner, considering previous recommendations and their timeline, and addressing structural issues, so that the recommendations can be incorporated into national planification and public policy-making processes. The more the quantity and the general the recommendations, the more difficult it is to implement them. The more accurate and specific, the easier to follow. Recommendations should be even more specific, measurable, realistic and time bound. This can be part of the agenda of the dialogue of States with Treaty Bodies.

The methodology for formulating recommendations should be innovated, to help States recognize when they are aimed at implementing measures in the legal framework, in the institutional framework or in public policies. The idea is that they extend fewer recommendations but that they are better systematized, according to the cycles of formulation of public policy. But also, they have greater added value and oriented to the construction of the appropriate normative and institutional framework, instead of being framed in a narrative of political advice or public policy.

***Enhancement of coordinating role of Treaty Bodies Chairpersons***

There is a need to enhance the dialogue among the committees to coordinate and find common positions. The Treaty Bodies Chairpersons meeting, that takes place once a year, should be strengthened to deliberating and making decisions related to the coordination among them, the alignment and harmonization of working methods and any other relevant issue. In addition, a strong Treaty Bodies Chairpersons meeting could raise the relevance and public awareness about the whole Treaty Body System and to promote the understanding and importance of the role of the chairs of the committees of the treaty bodies and the meetings they hold. As previously mentioned, the “Position paper of Chairs of the human rights treaty bodies on the future of the treaty body system” is a perfect example of what can be reach.

***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***

Costa Rica also considers that there can be greater interaction between the different human rights mechanisms, for example, a greater use of the recommendations of the treaty bodies committees to analyze the progress of the countries during the Universal Periodic Review. However, it is necessary to have the greatest possible alignment when countries make their recommendations under the UPR, so that they can consult the country under review on the level of progress in the implementation of the recommendations of the treaty bodies. A link should be established between both, while maintaining the specificity of each one.

It is also essential that the articulation with the 2030 Agenda for Sustainable Development, because its implementation, approved in September 2015, constitute a unique opportunity for countries to work on long-term national planning for our sustainable development which, from our point of view, must have a rights-based approach. The follow-up mechanisms should also incorporate human rights commitments.

On the other hand, Costa Rica as part of the Inter-American Human Rights System, gives great importance to the possible collaboration and exchanges between the treaty bodies and this regional mechanism, as an opportunity to share and access relevant jurisprudence, to raise specific issues and to avoid duplication and overlapping.

***Use of new information and communications technologies***

Costa Rica considers that the use of new information and communications technologies can be applied from two perspectives. The first one is the dissemination of the work of the committees to enhance their visibility in the public sphere, to raise awareness about the complaint mechanisms among individuals and to increase the participation and engagement of the civil society. The second one is to facilitate the reporting and the review process for the States parties by providing tools to access relevant information and the database of reports and by allowing the possibility to members of the delegations, who can not travel for the review due to budgetary constraints or any other issue, to participate virtually.