**EU SUBMISSION**

**General comments regarding the review process**

* A distinction should continue to be made between issues that the UNGA can recommend tothe relevant stakeholders in accordance with their legal competences and those on which the UNGA can decide ("added-value principle").
* The EU would not favour launching a multi-annual review process.
* The process should not lead to modification of the human rights treaties.
* The outcome of the process should not put in question the principle of multilingualism of the UN, including of the treaty bodies.
* The UNGA process should not serve as means to block steps to strengthen the treaty bodies which can be taken independently and immediately ("do not harm principle").
* The UNGA process should address the treaty body system in a horizontal manner rather than focusing on individual treaty bodies, taking into account the working methods and mandate of each treaty body.
* The EU supports the different functions of the treaty bodies, particularly reviewing periodic reports, including through the Simplified Reporting Procedure (LOIPR), adopting concluding observations, issuing General Comments/Recommendations, consideration of individual communications, undertaking of inquiries and urgent actions, early-warning measures and follow-up, and the mutually reinforcing nature of these different functions.
* The human rights expertise of Geneva should be integrated throughout the process, including by ensuring that the treaty bodies and the OHCHR are heard.
* The voice of civil society and National Human Rights Institutions is of vital importance and the EU will continue to promote their participation in consultations related to the treaty body strengthening process.

**The functioning of the treaty body system and implementation of UNGA resolution 68/268**

The EU considers that resolution 68/268 continues to provide an appropriate framework that would, if fully implemented, allow the treaty bodies to function more effectively if all stakeholders fulfil their respective obligations. Resolution 68/268:

* Addressed the key concerns raised by States during the intergovernmental process, while acknowledging the differing responsibilities and competencies of some of the principal stakeholders of the treaty body system;
* Reflected States’ respect for the legal competence of the treaty bodies to establish their own working methods, by encouraging them to strengthen their efficiency and effectiveness, while also allowing them to assess how best to achieve those objectives;
* Affirmed the need for States to comply with their reporting obligations to the treaty bodies and create a specific capacity-building program to that end; and
* Included a formula that provides a working basis upon which to objectively calculate the meeting time and resources required for the treaty bodies to carry out their work.

The EU welcomes the "Treaty Body Chairpersons’ Position Paper on the Future of the Treaty Body System", which is an agreed position among the Chairpersons of the 10 treaty bodies to further strengthen the treaty body system. The implementation of the recommendations included in the position paper would go a long way in building on the achievements of and in implementing resolution 68/268, particularly in facilitating reporting by States Parties.

Going forward, there has been a small increase in the number of States Parties submitting reports, while the number of individual communications received has increased by 80 per cent compared with 2017. According to the SG’s latest biennial report (A/74/643), the backlog in the consideration of State Party reports has significantly reduced overall. The backlog of individual communications has however increased significantly, which the Secretariat has not been able to address with the current level of staff support and the current case management system. The total time it now takes for the consideration of individual cases following registration is almost six years, compared with four years during the previous reporting period (2016-2017). This situation has a serious impact on victims and rights-holders, putting into question the credibility of the system.

**Reporting, review cycle, working methods, procedural matters, and consistency and coherence in Views**

The paragraphs of 68/268 continue being of relevance for the further strengthening of the treaty body system. The EU would particularly like to highlight the following s elements:

* The principle of the introduction of a coordinated, fixed and multiyear calendar, which considers States reviews under the UPR and the different treaty bodies, could increase predictability, clarity and stability in reporting. It could also contribute to increasing the reporting quality and compliance of State Parties.
* Multilingualism and the equality of the six official languages is of paramount importance for the effective functioning of the human rights bodies. In this regard, the EU will defend the right of States to interact with the treaty bodies in any of the six official languages, including that the summary records of States Parties shall, upon request, be translated into the official language used by that States Party.
* With respect to ensuring the independence of the treaty bodies and their autonomy to issue self-regulatory documents (such as the Addis Ababa Guidelines on the independence and impartiality of members of the treaty bodies), the EU welcomes the Treaty Body Chairpersons’ position paper on the Future of the Treaty Body System", which if implemented would go a long way in building on the achievements of and in implementing resolution 68/268, particularly in facilitating reporting by States Parties.
* In this respect the EU will also encourage the treaty bodies to enhance the role of their Chairpersons in taking joint decisions on procedural matters, standardizing and harmonizing of working methods and the sharing and enhanced use of best practices across the treaty bodies, such as work in working groups and the use of a repetitive cases process as relevant.
* The EU encourages further use of the Simplified Reporting Procedure, especially for periodic reports, as a tool to ease the reporting burden and allow for more focused dialogue between State Parties and treaty bodies.
* In order to facilitate consideration by States Parties, concluding observations should be strategically focused and concrete, while procedures for follow-up should be harmonized and simplified. Efforts should be made to diminish the need for treaty body follow-up by including it, to the extent possible, as a part of the regular review of States. Previous concerns, questions and recommendations should be the point of departure for a list of issues and the new concluding observations of a State Party, so as to ensure a clear assessment of the progress made by the State Party since the previous review. There should also be better coordination between the treaty bodies with regard to the list of issues presented to Member States in order to avoid unnecessary overlap. Additionally, efforts should be made towards an aligned approach and common guidelines for more focused and simplified follow-up procedures.
* We would favour an aligned methodology for the constructive dialogue between States Parties and treaty bodies, for the consideration of individual communications as well for interaction between treaty bodies, National Human Rights Institutions and civil society organizations.
* Aligned consultation process for the elaboration of General Comments/General Recommendations on common or related issues, including joint General Comments/General Recommendations, keeping in mind the autonomy of the treaty bodies.
* Harmonised approach and necessary measures regarding the prevention of and response to reprisals, in accordance with the San Jose Guidelines against Intimidation or Reprisals.

**On the role of the OHCHR**

The EU remains committed to the further strengthening of the role of the Office of the High Commissioner for Human Rights (OHCHR) in supporting the treaty body system and providing technical assistance for capacity building.

With respect to the role of the Secretariat, the EU underlines the importance of sufficient funding for the support functions of the treaty body system, as envisioned in resolution 68/268, recognizing that the workload of the treaty bodies is growing, and that the Secretariat’s funding should be based on the treaty bodies’ actual workload.

The EU will continue to encourage the High Commissioner to, in line with the OHCHR’s mandate, make available adequate human, technological, material and financial resources for the effective functioning of the treaty bodies and to, given the increasing backlog on individual communications, especially take measures to enhance the accessibility and efficiency of the processing of such communications, including by ensuring the availability of highest level of expertise, in particular legal expertise, in handling individual complaints.

The EU will continue to invite the OHCHR to arrange opportunities for treaty bodies to work together on issues of common interest, whether procedural, such as harmonization of methods of work, or substantive, for instance facilitating exchange on crosscutting issues and views when these differ significantly between the respective committees, so as to improve the consistency and coherence of the Decisions, Views, Concluding Observations and General Comments/ Recommendations of the committees.

**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**

The EU underlines the responsibility of States to put in place open and transparent nomination processes and to only nominate and elect candidates who have proved to be competent, independent and hold a legal, other relevant professional or academic background and an extensive expertise in the field of human rights, taking into account the mandate of each treaty body. While nominating candidates, due consideration should also be given to the desirability of gender balance in the composition of each committee

In particular, the EU underlines the continuous importance to encourage States to

1. Ensure the nomination of candidates that hold the highest standards of integrity, independence, impartiality and high moral standards. The candidates should be competent and hold extensive expertise in the field of human rights, through expertise in law or other relevant academic fields, keeping in mind the mandate of each treaty body and the gender balance.
2. Support candidates with a proven track record of expertise in the relevant human rights area and willingness to take on the full range of responsibilities related to the mandate of a treaty body member.

There is further room for improvement of the information available online on the centralised treaty body elections website. This website could also serve as an open and transparent platform for the selection process where State Parties can present the merits and expertise of their potential candidates. The site should be accessible to persons with disabilities and the information available in all official UN languages.

The election processes could be further strengthened by the holding of inter-active dialogues with potential candidates in Geneva and/or New York, so as to enable all States to gain an impression of their competence, motivation and independence.

State parties should fully respect the independence of the treaty body members and avoid any actions that would interfere with the exercise of their role.

**Use of new information and communications technologies and its potential to further increase efficiency and accessibility**

The EU supports the development of appropriate case management tools for OHCHR as well as the further development of the OHCHR’s website, so as to enable easy access to the treaty bodies’ functioning and decisions on the part of all stakeholders.

**Accessibility for persons with disabilities and wider accessibility and visibility of the work of the treaty bodies**

The EU will continue to advocate for the accessibility of the treaty bodies, with view of facilitating the full participation by persons with disabilities in the work of the treaty bodies, whether they be treaty body members, representatives of states, National Human Rights Institutions, non-governmental organizations or other stakeholders.

The EU would like to raise the issue of reasonable accommodation for all treaty body members, not just CRPD. Equally, persons with disabilities should have access to information in accessible means and modes.

**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**

The funding of the treaty body system remains a key priority. The insufficient resources present a major challenge both for the treaty bodies and the Secretariat. The EU stresses the need for increased availability and predictability of resources from the regular budget with a view to ensuring the capacity of the treaty bodies to discharge their mandates and of the Secretariat to support these functions as envisaged through the formula prescribed in paragraph 26 of resolution 68/268, recognizing that the activities of the treaty bodies require sufficient funding on the basis of their actual workload and to enable them to work together as a system.

**Current system of processing individual communications, inter-State communications and urgent actions: its efficiency, effectiveness, strengths and weaknesses; suggestions for its further improvement**

The full implementation of resolution 68/268, including through the "Treaty Body Chairpersons’ Position Paper on the Future of the Treaty Body System" would probably suffice regarding the reporting obligations arising from the ratification of human rights treaties and optional protocols thereto. However, an important part of the work of the treaty bodies was not adequately addressed in 68/268 because it was less of a problem at the time: the individual complaints procedures.

There is a need to address the efficiency and effectiveness of the treaty bodies to deal with individual communications.

An improved management of the individual communications procedure is a matter of credibility for the UN treaty body system. Immediate measures are necessary to enhance the efficiency of the procedures and to improve the exchange of information and documentation related to individual communications. This requires a petition unit that is fit for purpose with appropriate case management tools, legal expertise and staff to deal with the current backlog and the likely increase of cases in the future. Further efficiency gains could be made through the harmonization of the application of admissibility criteria and related proceedings, as well as through strengthened dialogue and coordination to ensure better coherence on views. In this regard, the EU stresses the need to adhere to the principles provided for in the treaties with regard to the admissibility of individual communications, such as the exhaustion of domestic remedies and the exclusion of complaints having been or being examined by another international mechanism.

While immediate steps can be taken to improve the management of individual communications based on current analysis of shortcomings, deliberation on further measures could be facilitated by an in-depth report by the UNSG. Such a report could encompass a detailed view of the existing challenges and outline options with view of remedying the situation. The preparation of such a report and consecutive deliberations should not stand in the way of improvements that can already be made in the immediate future.

**Other issues for consideration**

Furthermore the EU would like to share the following other issues for consideration:

* Regarding the capacity building programme the EU would look favourably at the inclusion of support to civil society actors as well as at an evaluation of the impact of the programme.
* Consistent and coherent Views of the committees is a pre-requisite for the credibility and impact of the communications procedure. While this requires exchange of views and coordination within the treaty body system (see above under role of OHCHR), the EU also encourages the treaty bodies to seek interaction with other human rights mechanisms and institutions, including regional human rights mechanisms, as a way to enhance complementarity, exchange information and strengthen dialogue concerning relevant substantive and procedural matters, with a view to ensuring a common interpretation of human rights standards and fostering greater understanding of common problems.
* Consideration of State Party reports outside of Geneva: this has a potential of reducing the costs for State Parties. Working in the region would also facilitate awareness raising and increase the visibility of the treat body system. The costs of regional considerations should however also be assessed.
* Online consideration of the State Party reports could be made possible with the consent of the State Party. The holding of online sessions of the treaty bodies in the form of video teleconference could be considered in extraordinary circumstances, while making sure that the use of digital technologies does not undermine the working methods in the future.
* The creation of a joint treaty body working group on communications and a working group for the assessment of the admissibility of communications, is an issue which could be submitted to meeting of Chairpersons' for their reflection.