**Written Contribution from India**

**The State of UN Human Rights Treaty Body System**

**7 July 2020**

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1. India welcomes the opportunity to submit comments/ observations on the state of the human rights treaty body system, as provided in the General Assembly resolution 68/268 entitled “Strengthening and enhancing the effective functioning of the human rights treaty body system”, in response to the letter of June 17, 2020 from the co-facilitators, the Permanent Representatives of Morocco and Switzerland.
2. The States have the primary role to promote and protect human rights and to carry out the responsibilities that they have undertaken under the international law, including the UN Charter, as well as various international instruments in the field of human rights.
3. India acknowledges the contribution of each of the human rights treaty body mechanisms in assisting the respective States Parties to fulfill their relevant obligations. We welcome the efforts that ensure vitality of the human rights treaty bodies to effectively assist the States Parties in implementing their relevant treaty obligations.
4. The **strengthening of the human rights treaty body system** should be undertaken through an inclusive process, involving consultation amongst **State Parties with inputs from independent experts and other relevant stakeholders**. The focus must be on **reviewing the measures taken in order to ensure effective functioning of the human rights treaty body system in line with the GA resolution 68/268**, not to review the role and the functioning of the human rights treaty bodies themselves.
5. Considerable progress has been made towards implementing various provisions of the GA resolution 68/268. This needs to be sustained. The present **review must focus on the measures adopted for the effective implementation of the GA resolution 68/268** and, if necessary, other possible measures to further strengthen the treaty-bodies **without altering their mandates and functions determined by the respective human rights treaties or the main body that created them**.
6. The **working methods of the human rights treaty bodies need to be harmonized** bearing in mind the distinct mandates of the treaty bodies concerned and the need avoid overlap with the mandates of other related institutions under OHCHR, and the UPR mechanism. The strengthening of the treaty body system needs to enhance trust, cooperation and meaningful dialogue with the State Parties to address various challenges in implementation of their treaty obligations.
7. To this end, the national reports **must be reviewed by the treaty body experts with a view to foster understanding of the prevailing contexts and challenges**. Measures such as (i) circulation of list of questions to the State Party in advance, (ii) allowing a break to the State Party for consultations prior to reply, (iii) limiting the number and length of concluding observations, (iv) ensuring more precise and rigorous comments, would substantially strengthen the existing system.
8. On **predictability in review cycles and reporting**, the GA resolution 68/268 invites the human rights treaty bodies and the Office of the High Commissioner, within their respective mandates, to continue to work to increase coordination and predictability in the reporting process, including through cooperation with States parties, with the aim of achieving a clear and regularized schedule for reporting by States parties.
9. We understand that **reporting schedules already exist for each committee** as provided in the GA resolution 68/ 268. This allows for enhancing predictability and coordination among treaty-bodies taking into account overall reporting obligations of each State, different obligations of the State Parties under the respective treaties, as well as the need for participation of stakeholders in the reporting process. Innovations in this regard must be practical to reduce repetitiveness and duplications on account of multiple and overlapping reporting mechanisms,and must be cost effective.
10. **Measures such as streamlining constructive dialogues, including not repeating questions that have already been answered and limiting questions pertaining only to the mandate, and developing more focused concluding observations,** will be practical steps in this respect toaddress the need for reducing reporting burden on the States Parties and review by the committees.
11. Provisions of the GA resolution 68/268 on **capacity building and technical assistance to States Parties, upon their request, need to be catered** to ensure fulfilment of their reporting commitments.
12. The ‘simplified reporting procedures’ **are to be adopted to assist the States Parties to meet their reporting obligations, and with the purpose of reducing the workload of the States Parties and the treaty-bodies, bearing in mind the relevant provisions of GA resolution 68/268**. However, ‘simplified reporting procedures’ may not be able to cover all relevant aspects of protecting and promoting human rights in a country. Such procedures, therefore, must remain optional, giving the States Parties the option to still adopt the traditional reporting procedures.
13. The **common core document** is useful so long as that it does not further increase reporting burden on the States parties or reviewing responsibility of the treaty bodies, or duplicate information provided in the treaty-specific documents indispensable for the work of each committee. The States Parties should not be asked to report on so called ‘cross-cutting issues’ which fall under other instruments to which the State is not a party. **Synchronisation of UPR mechanism** with treaty body reporting will be important in order to prevent repetition of reporting and avoidable overlaps.
14. On the **modalities of dialogue**, it would be useful to consider having common practice by all treaty bodies to **allow a short break after each cluster of questions by the Committee members**, during which the delegation of the State Party can consult among themselves before replying, and extending the examination of the country reports by the treaty bodies over two days to allow enough preparation time. The concluding observations are the heart of the review process, providing a baseline for subsequent reports and acting as critical reference point for the State Party’s record over time. The **concluding observations need to be more precise and limited in number, prepared after due diligence by the treaty body, and should contain concrete and achievable recommendations that are based on constructive dialogues and are implementable by the States Parties**.
15. The GA resolution 68/268 paragraph 26 addressed the issue of resources by introducing a mathematical formula to identify the allocation of meeting times to the Committees on the basis of weekly workload targets for reviewing reports of States Parties and individual communications, on the basis of the average number of such reports and communications received by each Committee in the previous years. Considerable resources have been allocated to the secretariats of the different committees for facilitating review of reports of the States Parties, for overcoming backlogs and for conducting necessary field visits. It is, therefore, necessary to **maximize utilization of resources through improving efficiency within the allocated budget** and, if found necessary after careful assessment, through enhanced financial contribution from the UN’s regular budget.
16. **Innovative usage of information and communication technologies** could help in increasing the efficiency and accessibility of the treaty body system, especially during this extraordinary situations of the COVID-19 pandemic. In the constructive dialogue, virtual participation from capitals may ensure that the States Parties can properly answer queries posed by the Committee members. However, issue of additional financial resources, equitable access to these technologies, and cybersecurity concerns need to be taken into consideration while undertaking such innovations.
17. The proposed **regional review procedure will require further clarity** as to how it will contribute in enhancing efficiency and greater participation, bearing in mind different human rights treaty obligations of States Parties within a given region, and how the interactive dialogues will be conducted in such a regional review.
18. On **enhancement of the coordinating role of the Chairpersons of the human rights treaty bodies**, we take note of the UNSG’s second biennial report that there is a **lack of common understanding among treaty body members on the role and authority of their respective Chairs**. We see the need for strengthening the Chairpersons’ role on collective decision making on procedural matters to ensure coherence and standardized working methods. However, the decisions taken by the Chairpersons need to be with the consensus of the respective Committees that they represent.
19. We recognize the need for States Parties to nominate persons with the required expertise and high moral standing and to ensure that the nominees do not pose a conflict of interest in order to maintain **independence and expertise of the treaty bodies**.
20. We also note that, some treaties do not impose any limit on the number of times a member’s term may be renewed and some members have served for long unbroken periods. It is desirable to have a diverse intellectual base in order to maintain the vitality of the system. We would support **voluntarily placing suitable limits on the number of times a member’s term may be renewed**.
21. For strengthening the efficiency of the human rights treaty body system, we need to consider the positive aspects of the existing system that can be consolidated, as well as the delicate balance that has been achieve so far. We need to fully explore all options available to improve the functioning and delivery of the mandates of the existing treaty bodies through an inclusive and transparent inter-governmental consultation process.

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