ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS

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The 2020 Review of the Human Rights Treaty Body System

1.1 Introduction

Reference is made to the letter dated 17 June 2020, from H.E. Mr. Jürg Lauber, Permanent Representatives of Switzerland to the United Nations, and H.E. Omar Hilale, Permanent Representative of Morocco to the United Nations, and their request for written contributions regarding the review process of the UN human rights treaty body system.

We would like to thank the co-facilitators for the opportunity to contribute to this important process, and commend their ability to continue the treaty body review despite the current unusual and challenging circumstances.

Norway sees the work of the treaty bodies as necessary and crucial for monitoring States' compliance with their human rights obligations. Norway remains committed to preserving the integrity and independence of the treaty bodies. We support all efforts to increase the efficiency, accessibility and impact of the treaty body system. Harmonisation, simplification, prioritisation, predictability and inclusiveness should serve as key objectives to ensure further improvement to the human rights treaty body system. As a means to this end, we would like to take this opportunity to encourage the co-facilitators to consider inviting civil society representatives to participate in the review process.

1.2 Framework for implementation and coordination

The measures outlined in resolution 68/268 are relevant in ensuring the increased efficiency, accessibility and impact of the treaty body system. Norway is pleased to see that the resolution already has strengthened and enhanced the human rights treaty body system.

However, the working methods of the treaty bodies need to be better coordinated. Norway would like to see that the treaty bodies further harmonise their rules of procedure and working methods within the framework of the resolution 68/268 and the UNSG's third biennial report. It

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is Norway's view that the treaty bodies, to the extent possible, should have the same procedures.

While Norway firmly believes in the treaty bodies' integrity and independence, we do maintain that efficiency is in everyone's interest. Strong leadership, guidance and coordination from OHCHR is key to achieve harmonized procedures. Norway encourages the OHCHR to identify modalities that can lead to enhanced coordination among the treaty bodies without compromising their integrity. It is important that adequate resources are allocated to the work of the UN treaty bodies in order to achieve these objectives.

The treaty body Chairpersons have an important role in mainstreaming the implementation of the GA resolution 68/268 across the system, including in aligning the treaty bodies working methods. The Treaty body Chairpersons Position Paper on the future of the treaty body system outlines relevant and important measures in this regard.

1.3 Reporting procedures

Resolution 68/268 clearly encourages States to utilize the simplified reporting procedure, and the treaty bodies should ensure that a harmonized reporting procedure is available to States ahead of their reporting. Norway is encouraged that the Chairs during their 31st meeting in June 2019 have endorsed the elements of a common aligned procedure for the simplified reporting procedure to be offered to state parties. The simplified procedure should be established as normal practice as soon as possible and should be comprehensible and accessible for all states.

Both the treaty bodies and the states undergoing review would benefit from a coordinated reporting calendar that ensures reporting obligations and cycles are distributed evenly. This would increase predictability and transparency in the review cycle. The OHCHR should establish review cycles for all state parties according to a multi-annual calendar. The calendar should include national report deadlines and treaty body sessions based on the Universal Periodic Review system. We believe this would enhance predictability and planning for all parties involved. It will also enable the dialogue meetings between the State Parties and the treaty bodies to take place shortly after the submission of national reports.

The treaty bodies should also offer all States parties the possibility to submit joint reports to two or several treaty bodies, and allow for clustered reviews if possible. Coordinated and clustered reviews should also aim to reduce duplications of recommendations and the risk of inconsistency and fragmentation of the concluding observations, and to avoid that a State is being heard in several treaty bodies in a short span of time.

1.4 Dialogue meetings, participation and concluding observations

Norway recognizes the importance of civil society and other relevant stakeholders' engagement, and is committed to the continued involvement of civil society in the treaty body reviews. At the same time, reprisals against individuals cooperating with the treaty bodies is deeply concerning. The San Jose Guidelines outline a useful and practical approach for the treaty bodies in dealing with this challenge. The committee members and the chairpersons should continue to engage with civil society ahead of the dialogue meetings, and take into account the complementary reporting from civil society during the dialogue meeting with the States under review.

All treaty bodies should be accessible for persons with disabilities. The treaty bodies should continue their efforts to make available their findings and reports to a wide audience, including online and by using new technologies. The provisions for accessibility for persons with disabilities should be extended to all treaty bodies.

The Covid-19 pandemic has demonstrated the possibilities that exist in using information and communications technologies to a larger extent for communications between States and the UN system. Norway encourages the continued use of videoconferences for the consideration of reports and webcasts in all official languages of the UN system.

Norway supports a coordinated approach by the treaty bodies concerned to address the situation of non-reporting States with a view to supporting these States to comply with their reporting obligations. States under review that do not submit written reports should still be invited to dialogue meetings with the treaty bodies.

The treaty bodies should ensure that concluding observations and recommendations are precise, concise and reflect the outcomes of the dialogue meetings. The treaty bodies should also specify which recommendations serve as policy advice as opposed to international legal obligations in the concluding observations.

1.5 Individual communications and inter-State communications

The secretariat of the treaty bodies has an important role in ensuring that the processing of individual communications, inter-State communications and urgent actions is efficient. However, given limited resources, this has become a challenging task, especially taking into account the increasing number of individual communications. The OHCHR should, in collaboration with the treaty bodies, adopt a priority policy for the most urgent and important cases (see European Court of Human Rights "fast track" procedure). A standardized set of rules on admissibility criteria should be developed to avoid cases being sent to States that are not admissible.

1.6 General comments

There should be established a routine for notifying States when drafts for general comments are being written. Today's procedure seems somewhat unclear and there is a risk that a State might miss a deadline for commenting on a draft general comment because they were not notified. It should also be clearer when the treaty body, in a general comment, pronounces upon an international legal obligation and when it gives policy advice.

Furthermore, and in relation to the above-mentioned backlog of individual complaints, treaty bodies should continuously consider prioritizing reduction of their backlog of individual complaints, rather than embarking on new general comments.

1.7 Conclusion

We would once again like to take this opportunity to thank the co-facilitators for the opportunity to submit written contributions, and look forward to the continued process.

Yours sincerely

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