



ROYAL MINISTRY
OF FOREIGN AFFAIRS

United Nations High Commissioner for Human Rights
Palais de Nations
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Your ref.:

Our ref.:

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Treaty body strengthening process.

Reference is made to the opening address by Ms. Navi Pillay, United Nations High Commissioner for Human Rights 24 October 2011, during the informal briefing to Member States in New York on '**the human rights treaty body strengthening process**', inviting all member states for proposals in writing by the end of this year.

Norway sees the work of the treaty bodies as a cornerstone of the international system for monitoring states' compliance with their human rights obligations, and we support all efforts to streamline the work of the treaty bodies to increase the efficiency, accessibility and impact of the treaty body system.

Norway welcomes this opportunity to submit comments on the non-exhaustive list of emerging proposals dated 4 October 2011 identified so far in the context of the treaty body strengthening consultations (including Dublin, Marrakesh, Poznan, Seoul, Pretoria and Bristol), and those of the Inter-Committee Meeting (ICM) and Meeting of Chairpersons (MC), as well as other proposals stemming from the process.

• **List of issues prior to reporting (LOIP) and its added value:**

Norway welcomes the new practice by CAT and the Human Rights Committee to prepare list of issues prior to reporting. This practice should be adopted by all treaty bodies and should ensure shorter, more targeted reports, thus reducing the reporting burden of states. Furthermore it is essential that examination must find place within reasonable time after the submission of answers to the list of issues to ensure that there is no need to provide further up dates before examination. It is also crucial that civil society and national human rights institutions are able to provide inputs prior to the finalization of the list of issues.

• **Page limitations of States parties' reports:**

We are aware of the difficulties the treaty body system are facing in having their documents translated in time. The reporting Guidelines for the Common Core document and four treaty bodies have set page limits, but they have not been strictly adhered to. The only way forward here for the treaty bodies is in

our opinion to enforce them. We should also consider the need for even stricter document length. Page limits strictly apply to all documents submissions in the UN system.

- **A predictable treaty body reporting cycle synchronized with the UPR:**

The information provided for the UPR does not necessarily correspond with the treaty body specific information required in connection with the reporting obligations under the treaty body system. To be considered irrespective of the submission of a report by the State, seems not to be a good basis for a constructive dialog.

- **Addressing backlogs and coordinated requests for additional meeting time or a fixed calendar based on 100 % compliance rate:**

Norway has always supported the Secretary-Generals proposed budget for OHCHR and as previous years, we have also this year supported an increase in the budget. We have always supported requests for extra budgetary cost for extra sessions when requested by treaty bodies. In our yearly voluntary contribution to the OHCHR, Norway has also earmarked funds for the treaty body section every year.

In light of member states increasing reluctance for more and additional funding to the UN regular budget, we question however the possibility to secure the necessary funding for these options. Furthermore, as members of the TBs do not receive a salary for the work they accomplish and of the members necessarily have a carrier besides being members of TBs, are they able and willing to spend that much time working for the TBs?

- **Possible strategy for treaty body engagement with non-reporting States:**

Norway supports a coordinated approach by the treaty bodies concerned to address the situation of non-reporting States with a view to supporting such States parties in complying with their reporting obligations.

- **Inclusive process of national consultations as part of the preparation of State reports:**

Norway agrees on the importance of a coordinated reporting procedure for the preparation of reports as well as the conduct of a national consultation process, involving relevant ministries, NHRs and civil society.

- **Enhanced interaction of treaty bodies with national human rights (NHRIs) Institutions and NGOs:**

Norway agrees with the recommendation that the reporting process and individual communication procedures be as much as possible aligned, through common rules of procedures and working methods among treaty bodies, in order to establish similar procedures for cooperation with NHRIs and other key national actors, and a more harmonized model for interaction between treaty bodies and NGOs.

- **Enhancing the constructive dialogue between treaty bodies and State parties:**

At the national level, many ministries and other authorities are involved in the reporting process and the preparation ahead of being reviewed by the treaty body. We therefore find it important that questions posed by the members of the treaty bodies are directly relevant to the treaty's obligations and the need for treaty bodies to focus the constructive dialogue as well as their concluding observations, on the obligations set out in the treaty under review and not outside the scope of the Convention. Norway also agrees that treaty body members' interventions during the dialogue should be shorter and better coordinated to avoid unnecessary duplication of questions of issues raised previously during the same hearing or by other treaty bodies. We also wonder if the treaty bodies are able to make use of all the

continuing number and complexity of data and indicators often requested by members of treaty bodies. We might suggest that treaty bodies through its concluding observations give an indication of the usefulness of all the data submitted.

We should further explore the possibility that a face-to face dialogue be complemented by the use of communication technologies, like video conferencing to reduce travel costs.

In order to enhance the visibility of the dialogue, raise awareness about the treaty bodies and disseminate their outputs at the national level, future webcasting should be explored.

- **Implementation of treaty bodies outputs and impact on the protection of right holders**

The cost benefit of treaty body sessions at regional level should be further explored. Norway also supports the holding of Inter-committee meeting and meeting of Chairpersons at regional level.

Norway supports the recommendation that treaty bodies reduce the length of its concluding observations in order to achieve greater efficiency. We understand that supplementary reports form an important source of inspiration for questions to the State under examination. If the Committee, after having heard the State's response, consider that recommendations in the supplementary response are still valid, it is natural that the treaty body is inspired by these recommendations when drafting its concluding observations. However, to ensure a meaningful interactive dialogue with the State, it is crucial for the effectiveness and credibility of the system that factual information provided by the state about positive actions to address problems and challenges, also is recognized and reflected when concluding recommendations are finalized.

We also find it important that the treaty bodies give State parties the opportunity to correct factual errors in the concluding observations before publications. There is a need for sufficient time for a systematic review by all involved ministries, and that concluding observations not be publicised before the time limit for comments has elapsed. Thus we believe that there is a need to look at the administrative practice in this respect to give States a reasonable time to comment on the draft concluding observations.

With regard to the implementation of the treaty body's recommendations at the national level, Norway supports that the follow-up should be systematically included in the United Nations Development Assistance Framework, which would help the UN to be perceived as one.

We further supports that the UPR process and the work of the treaty bodies work in concert to improve human rights at the ground and that if concluding observations were crafted with specificity, this would increase their effectiveness as contributions to the UPR, as would prioritization of treaty bodies recommendations over all. We also support further interaction between special procedures and treaty bodies and stronger linkage with regional and sub-regional organisations, to the extent such interaction and linkage proves effective for the implementation of recommendations on the ground.

Norway believes it is necessary to enhance the coherence and harmonization of the working methods of the treaty bodies, and thus all treaty bodies should adopt the same procedure to monitor the implementation of specific concluding observations in between two reporting cycles.

- **Independence and expertise of treaty bodies' members**

Norway supports the proposal of elaboration of guidelines on the eligibility and independence of experts.

- **Resourcing the treaty body system**

We support that OHCHR enhance and further consolidate the secretariat support to the treaty bodies.

With or without increased budget resources, we should look at how we can maximise the use of existing resources to match a steady increase of the work of the treaty bodies and related work.

We suggest that the following measures be further considered:

1. Treaty bodies work in parallel chambers.
2. Strict limit document length.
3. Except for initial reports, periodic reports should only be a focused half day discussion.
4. Reduce the number of working languages.
5. Eliminating paper distribution of documents.
6. Issuing of papers only in English.
7. Explore the possibility of video conference as replacement of face-to-face interactions.

• **Other issues**

Norway supports the suggestion of providing the treaty body chairperson with decision making powers to procedural issues. While each treaty body is an independent instrument and mechanism, none of them work in isolation. It is critical to develop and uphold a clear workable vision of a coherent treaty body system that effectively defends indivisible and interdependent human rights. It is incumbent upon each treaty body, individually and collectively, to contribute to this process.

Your sincerely,



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