Bern, February 28, 2019
Response of Switzerland to the OHCHR questionnaire on General Assembly resolution A/Res/68/268

General remark

Switzerland fully supports the work of the treaty bodies on human rights. The effective protection of human rights does not only involve normative codification at the international level, but also requires strong mechanisms to support the implementation of human rights standards and their integration into national legislation. . Treaty bodies play a crucial role in the human rights system, which they could further strengthen, including by further harmonizing their working methods.

Switzerland attaches great importance to the proper functioning of national mechanisms, which is essential for the implementation of universal human rights standards. It attaches equal importance to the independence and impartiality of the members of the treaty bodies. Switzerland has for years been supporting efforts to strengthen and improve the functioning of all human rights treaty bodies, and has been heavily involved in the negotiations on resolution 68/268 of the United Nations. General Assembly

**Combined responses to the questionnaire**

the following explanations constitute a synthetic answer to questions (a) and (b).

From the point of view of Switzerland, resolution 68/268 does not put an end to the debates on the reform of the human rights treaty bodies. It is an important step towards strengthening the long-term system. Our goal is to make the system as accessible and efficient as possible.

**Improvement of the working methodology**

Switzerland is convinced that further practical improvements in the short and medium term can be made to increase the effectiveness and efficiency of the treaty body system as well as the optimization of its resources without having to modify existing treaties. Member States, experts in treaty bodies and the Secretariat share responsibilities in this regard.

In particular, it is necessary for all stakeholders to continue the harmonization of methods and processes of work in the treaty body system. For the time being, because of the heterogeneity of the rules and practices of the various treaty bodies, States parties, non-governmental organizations and representatives of victims, but also and especially victims of human rights abuses. often find it difficult to obtain information - both in the processing of individual requests and in the preparation of national reports - and to use

Existing instruments or to access them. Equally important is the fact that the treaty bodies make relevant recommendations to States parties with quality content to facilitate targeted implementation and to measure progress made in the context of their implementation. Appropriate follow-up.

In reality, the treaty bodies have already begun, within their capacity and available resources, to align their working methods (for example, in the preparation of concluding observations, the chairpersons of the treaty bodies have adopted last year common guidelines). That said, more needs to be done. The Secretariat has an important role to play in this regard, and it would be welcome to map the different working methods by identifying how to align them further. It is particularly important for Switzerland that the simplified reporting procedure is fully harmonized and that the same criteria apply to all to ensure compliance

**Exam-planning**

For Switzerland, it is crucial that future reviews and deadlines are planned in advance. It is important for States to be informed of deadlines and review dates or to be able to access this information on the Internet in a timely manner, ie at least two years before the review. In paragraph 34 of resolution 68/268, the General Assembly "invites the human rights treaty bodies and the Office of the High Commissioner, within their respective mandates, to continue their efforts to better to ensure the coordination and predictability of the reporting process, including through cooperation among States Parties, with a view to arriving at a clear and regular timetable for reporting by States parties " . In this respect too, significant improvements are still needed, particularly in the interval between examinations. The use of digital aids could help optimize the timing.

**Resources**

In this context, the lack of resources is one of the main challenges facing the system: committee members work on a voluntary basis. To harmonize, there needs to be coordination, which means spending more time on meetings and more resources. Other measures that do not require the approval of the MA or a modification of the treaties include, for example, the use of technologies (Skype review), closer collaboration with regional mechanisms, improved databases, better timeline (to increase the predictability of reviews), measures to strengthen the staffing of the treaty body secretariat (we must systematically designate and elect competent and experienced candidates of high moral standing in the field of human rights : Man for solid treaty bodies

**Role of States and other actors**

Debates on system reform should not focus solely on the role and functions of the treaty bodies and the Secretariat and, in so doing, obscure the problems faced by States parties in the preparation of reports and the implementation of obligations arising from conventions. States parties, both treaty-makers and treaty-makers, have the primary responsibility for the effective and efficient implementation of the obligations arising from human rights conventions. On this point, it is important to radically remedy the serious problem of lack of compliance (some 16% of States only fully meet their reporting obligations).

Coordinated action by all actors (treaty bodies, States parties, Office of the United Nations High Commissioner for Human Rights, national human rights institutions, civil society) remains guarantee a system of protection of human rights

The operational and reliable man. That said, the independence, expertise and availability of committee members is critical to a credible and operational treaty body system. It is necessary to encourage the introduction of more open and transparent processes to nominate and elect candidates based on their national and international competencies

**Reform**

As Geneva has produced a rich variety of reflections and ideas, we must ensure that we continue to build on this expertise in our discussions. For this reason, discussions on the reform of the treaty body system should essentially take place in Geneva.

Any discussion of strengthening the treaty body system must be open, inclusive and transparent, and take into account the complexity of this issue. From a thematic point of view, the system of treaty bodies and other human rights mechanisms are closely linked. That being so, in order to avoid overlapping between these UN mechanisms, a good functioning is necessary. Moreover, it is essential to increase efforts for closer collaboration with regional mechanisms such as the European Court of Human Rights. the Inter-American Court of Human Rights and to more systematically take into account their results

From Switzerland's point of view, as far as the States Parties are concerned, a major question arises for the 2020 Review and beyond: how should the reporting procedure be organized to meet current requirements? and the future of treaty bodies and States, and contribute to strengthening the protection of human rights? In addition to the implementation of treaty obligations, the prevention of breaches of agreement is a primary goal.

Switzerland will continue to contribute to efforts to foster synergies between relevant actors, including between treaty bodies themselves, taking into account civil society. In this perspective, it intends to continue its commitment to the Platform for Members of the Human Rights Treaty Bodies, an instrument created to contribute to the implementation of the Convention on Human Rights. implementation of resolution 68/268. This platform should contribute to enhancing the effectiveness of the treaty body system by promoting the direct exchange of information among members of the bodies, as well as between those members, experts and other actors in civil society. This is a concrete contribution by Switzerland to the effective implementation of resolution A / RES / 68/268 with a view to strengthening and improving the efficiency of the functioning of the United Nations system treaties.

The Academic Network on UNGA 2020 project, an academic platform for examining, in 2020, the effectiveness of the measures taken to implement resolution 68/268, launched by the Academy of International Humanitarian Law and Human Rights Geneva is another instrument. This project, supported by Switzerland, completes the previously political process by supporting the academic debate in order to enrich the discussions that have taken place until now with reform scenarios and variants. of quality model. The network aims to stimulate and co-ordinate independent research on issues related to resolution 68/268 and to link it with the system of diplomatic representations and NGOs in Geneva.

The Geneva Academic Platform published its report in May 2018. We are convinced that many of the elements contained in the independent report offer some very interesting avenues for future discussions, in particular the elements relating to the alignment of working methods. , sharing of information, synergies with regional institutions, intensification of collaboration with States Parties, accession and improvement of accessibility and visibility of the system.