**HRTBs Questionnaire- Bangladesh position**

1. **The functioning of the treaty body system: its efficiency, effectiveness, strengths and weaknesses; suggestions for its further improvement;**

Ans: The treaty body review system plays an important role in the implementation of the treaty provisions by engaging with the States parties in a systematic manner. The process is intended to support the States parties in understanding their obligations, and to provide guidance in improving compliance. For effective realization of the objectives of human rights treaty regime, review system needs to be efficient, impartial and transparent.

The treaty body review system has made considerable progress in terms of efficiency, especially since the adoption of resolution 68/268. However, there is room for improvement. More coherence and synergy need to be brought into the work of the treaty bodies, especially in respect of the issues with overlapping mandates. The working methods and programme of work of the treaty bodies need to be developed in close consultation with the States parties, taking into account the capacity and resource gaps of individual States parties, many of which are represented by small delegations.

It must be kept in mind that the States Parties ratify the treaties voluntarily. Their sovereign choice and their voluntary commitment to uphold, protect and promote human rights must be respected. At the same time, the global human rights mechanisms including the treaty body system must be able to function in a way that the State Parties remains respectful to their own commitments.

In order to make further improvements, there is no alternative to fostering greater understanding among the State Parties, the treaty bodies and the support units in the United Nations framework. From rightly chosen capacity building measures to a coordinated approach in the preparation of review calendars; from facilitating truly interactive dialogues to making reasonable recommendations – a system-wide reform measures may carefully be undertaken.

1. **Implementation of UNGA resolution 68/268 and views on biennial report of the UN Secretary-General on the status of the treaty body system;**

Ans: The  resolution 68/268 suggested some measures, most of which the treaty-bodies have already adopted in order to increase their efficiency, such as optimizing interactive dialogue on the implementation of treaty obligations, annual reporting by the treaty-bodies to the respective decision-making organs, the elaboration of an aligned methodology for a constructive dialogue with the States parties, as well as enhancing the working methods and the process of the nomination of experts; all while respecting the treaty provisions and the particularity of each treaty-body.

The most recent biennial report of the Secretary General gives some encouraging updates, in the area of increasing number of ratifications, submission of initial and periodic reports by the States parties to different treaty bodies and consideration of those reports etc. However, the treaty body system as a whole is seriously challenged in terms of workload, pending cases and resource allocations.

1. **Good practices and methodologies in relation to working methods and procedural matters, including harmonization and alignment of working methods;**

Ans: Greater coordination is needed between State parties and the treaty bodies on procedural matters, including developing the annual work plan and the working procedures for the review.

Methods of work of the treaty bodies has direct impact on the State Parties. It may be helpful if the States Parties are involved in an inclusive manner in the formulation of and subsequent changes in the methods of work.

Harmonization and alignment of the work of various treaty bodies could be an important step in addressing issues of duplication and multiplication of recommendations by the treaty bodies. In this regard, the Secretary-General’s proposal to create a common platform of recommendations could be an important way ahead.

**4. Coordination and predictability in review cycles and reporting;**

Ans: The current practice of reporting cycle is quite predictable. However, the same is not applicable with the review cycle. There is a need to have further transparency in scheduling the review cycle. To ensure effective participation of States parties in the review process, the calendar needs to be developed in close consultation with the States parties.

Often it is observed that States parties, irrespective of their capacities, have to undergo several treaty-body reviews in one calendar year or within a short period of time. Each States parties’ capacity and predictable unique circumstances, including but not limited to the national elections etc., must be kept in mind in preparing the review calendars.

To this end, some socio-economic indicators may be developed and, accordingly, the States parties may be categorized in terms of their capacity. The duration of the review cycles may be different for the different categories of the States parties. The review cycles should not be separate for each individual treaty body; rather a coordinated and consolidated review cycle may be developed for each State rationally distributing its reviews under all the treaties it is a party to.

**5. Current reporting system, including common core document, and ways to further improve and simplify reporting for States parties whilst ensuring the substantive quality of the national reports;**

Ans: Currently reporting system is working well, however there is a need for simplification. The simplified reporting procedure could be continued as an alternative form of reporting, being solely subject to the decision of the concerned State. More time is needed to allow for all States parties to evaluate the advantages and disadvantages of the simplified procedure. Until then, an “opt-in” method must be in place instead of an “opt-out” method. A decision on the applicability of “opt-in” or “opt-out” methods may potentially have broad implications for the States Parties, and therefore, may not be taken only by a treaty-body itself. The views of the States Parties need to be taken and considered in this regard.

Any review process should be built in a manner that allows the States parties with an opportunity to highlight its best practices. Also, the system should be used in the spirit of improving the challenges faced by the States parties in fulfilling their reporting obligations, without diluting the mandate.

**6. Dialogue between States and treaty bodies both in preparation for and during States reviews as well as in follow-up to the review;**

Ans: a regular dialogue mechanism and maintenance of full review cycle is required with the participation of the States parties through the Permanent Missions. The other stakeholders such as NHRIs may also be included as appropriate and within existing resources in improving the HRTBs.

The spirit of the dialogues is unmistakably a meaningful and constructive two-way exchange. A balance of convenience between the experts and the State Party delegation must, therefore, be ensured. To this end, the following necessary measures, among others, need to be taken to facilitate an interactive dialogue:

1. On top of the UN official languages, if preferred by the State Party concerned, interpretation on one additional language by choice of the State party may be provided.
2. An equitable and harmonized division of ‘question time’ and ‘response time’ must be ensured. Often it is observed that, questioning by the experts takes more time leaving extremely short allocation of time for the State Party to respond to.
3. To utilize the allocated time for the dialogue in an efficient manner, questions may be handed in advance to the State Parties. While the State Party may start the dialogue by responding to these questions, only follow-up questions may be asked during the dialogue followed by the responses of the State Parties. This would help avoidance of unnecessary surprises which are perhaps not beneficial to a robust dialogue.
4. Upon the conclusion of the dialogue, if the State Party concerned chooses to, it should be allowed a reasonable time, for example, a week, to respond to any unanswered questions and to provide detailed information or statistics in writing.

The above should be generally applicable to all reviews and should not be left with the choice of the individual treaty bodies.

**7. Assessment of the concluding observations and recommendations;**

Ans: The concluding observations and the recommendations must not entail an obligation that the State party has not chosen to be bound by. The treaty bodies should limit their recommendations within the boundary set by the specific treaty or instrument for the ratifying States. It is observed that multiple treaty bodies focus only on handful of issues, often political and sensational in nature. Apart from inefficient use of the valuable time and resource of all concerned, this tendency results into the losing sight of other important issues that would have been more relevant to a particular treaty body. And, there always remains the risk of ending up in conflicting recommendations by several treaty bodies defeating their purpose.

The treaty bodies may consider more strategically focused, measurable, achievable and targeted concluding observations on a limited set of issues to allow for more effective follow-up on implementation.

As a respect to the voluntary sovereign choice of a State Party, repeated recommendations as well as repeated follow-ups thereof, to withdraw reservations, and to ratify optional protocols or other treaties may be avoided. Instead of selective, prescriptive and imposing recommendations, the treaty bodies may issue fewer but systematized recommendations, better suited to the cycles of public policy formulation of the State Party concerned and oriented to the construction of appropriate normative and institutional frameworks.

**8. Strengthening the engagement with civil society and other relevant stakeholders;**

Ans: The treaty bodies have been maintaining a very robust system of engagement with the national and international civil society organizations. We consider current practice of CSO engagement quite sufficient. We also take note of cooperation provided by OHCHR to the CSOs in their capacity building and participation in the shadow processes.

**9. The capacity-building programme, experiences and impact, in terms of reporting and in terms of national implementation of recommendations;**

Ans: It will be important to address the [long-standing issue of the] capacity constraints and resource challenges faced by the developing countries in effectively fulfilling treaty obligations, especially reporting obligations, as well as participating in the review process.

However, the capacity building programmes for the States parties as well as the CSOs should be conducted through the Office of the Resident Coordinator only, in line with the framework of cooperation agreed between the States parties and the respective UN country teams.

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

Ans: In general, we encourage increased use of information and communications technology in the work of the treaty bodies, and encourage the secretariat to develop and maintain accessible, easy to use and secure digital platforms for the benefit of the States parties. However, on the question of use of information technology for the review process, further discussions are needed on the scope, modalities and budgetary implication of such method.

**11. Opportunity of reviews in countries or in regions;**

Ans: We do not think in country or in region review would be cost effective; rather it would entail additional budgetary allocations for the treaty bodies. This would also have negative impact on the scheduling of the treaty bodies. In addition, we believe this could potentially duplicate the work of other special procedures of the human rights mechanism.

Moreover, if reviews are organized regionally, it will not offer a level-playing field among the State Parties since that regional host country, if under review, may get an edge over the other State Parties under review. Also, the State Parties will lose the leverage of utilizing the technical help that otherwise their respective Permanent Missions could provide.

**12. 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;**

Ans: Gender and other disparities in the treaty body membership must be addressed. While States parties indeed have a responsibility in the nomination of candidates, the system itself needs to have a minimum standard requirement in line with the UN’s system wide gender parity for elections. Additionally, to bring fresh vision and dynamism in the work of the Committees, there should be a cap on re-election of members.

**13. Enhancement of the coordinating role of treaty bodies Chairpersons;**

Ans: The Chairs of the treaty bodies have a major role to play to work with respective members with clarity, cooperation, innovation and within the respective mandate in increasing the efficiency and effectiveness of the treaty bodies system. We believe the treaty bodies should enjoy the liberty of determining the scope of the chairperson’s coordinating role.

**14. Overall coherence of the treaty body system and the collaboration among treaty bodies as well as within the UN system and with regional monitoring bodies;**

Ans: Although each treaty body is mandated by its umbrella treaty/convention/optional protocol, a coherent and collaborative approach may be useful on issues that have convergence or overlapping implications. This will also be required within the UN system and regional human rights organizations working on similar issues and mandate.

**15. 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;**

Ans: Since 2014, there is an increase in regular budget allocations in terms of human and financial resources for the treaty-bodies through the Human Rights Treaty Section at OHCHR. However, within the existing resources it is suggested that optimum and transparent fund utilization and staff management be carried out within the respective Committees and the Secretariat. Also, the capacity building programmes of the treaty bodies/ OHCHR should be financed from the regular budget of the UN.

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

Ans: To address the huge backlog, we have noted that the HR Committee has taken some concrete steps which have reduced the backlog and in addressing the cases. Similar steps may be replicated in other Committees.

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

Ans: We support the various initiative to increase access and participation of persons with disabilities in the work of the UN including the United Nations Disability Inclusion Strategy launched in 2018 with the ultimate goal to achieve equality and foster an inclusive culture within the United Nations system.

**18. Efficient and effective use of the meetings of States parties.**

Ans: This has been a challenge for smaller delegation in recent times. Much has improved as almost all the States Parties Conference under the treaty bodies are now being held as a cluster and dates closer to one another for delegations to dedicate human resource, time and focus on their respective work. This has been proved quite effective.