**Contribution of the Republic of Belarus**

**to the consideration of the state of the human rights treaty body system**

**in accordance with the UNGA resolutions 68/268**

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

The treaty body system is an important element of the global efforts of human rights promotion and protection. The system is established to assist States parties in implementing relevant international treaties and guide them in fulfillment of international human rights obligations in the most effective way.

At the current stage the treaty body system faces important challenges due to self-initiated expansion of their functions which go far beyond the provisions of respective treaties. This multiplication of tasks together with growing number of ratifications made the treaty bodies less efficient in their primarily task, which is communication and advice to States parties. Moreover, additional functions often overlap with the work of other human rights mechanisms. This short-sighted approach provoked unpredictable escalation of recourses both human and financial necessary to support of work of the treaty body system.

It is crucial for credibility and effectiveness of the international human rights system as a whole if the treaty bodies strictly adhere to their functions provided by the respective treaties and make sure that their methods of work do no create new obligations for the States parties and additional workload for the States parties and the UN secretariat.

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

The potential of General Assembly resolution 68/268 has not been used to the full as many of the provisions of the resolution are yet to be fully implemented mainly those addressed to the treaty bodies.

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

The working methods and procedures of the treaty bodies should strictly comply with the provisions of the international treaties under which the treaty bodies have been established. Unfortunately, in most cases, the rules of procedure adopted by the treaty bodies contain interpretations of the provisions of international treaties, which go beyond the scope of the obligations assumed by States parties.

Poor coordination among treaty bodies in the sphere of establishing the dialogue with State parties remains a serious challenge: there is a duplication of issues addressed to States parties; often the committees encroach on each other’s mandates.

It is therefore advisable to ensure that treaty bodies consult with State parties on their working methods with State parties before approving or updating. It could be done at the official meetings of the State parties of the respective treaty.

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

The question is relevant. There is a lack of coordination among the treaty bodies on the schedule of reviewing a particular State party reports. Inconvenient schedule makes almost impossible for the State party of participate meaningfully in one of the reviews. The State party has to engage in negotiations with the treaty body in order to change the timing of the review, which creates difficulties for the planning of treaty bodies’ work, though these problems are easily avoidable at earlier stages.

In this regard, it is advisable to provide for clear coordination of this issue from the OHCHR, which provides organizational and technical assistance in the work of the treaty bodies.

The changing of frequency of reporting is inadvisable due to the fact that each international treaty contains its own time limit in this matter. At the same time, possible initiatives aimed to implement the idea of forming a predictable review cycle should be examined more closely.

*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;*

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

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

The current reporting system is generally acceptable and needs some adjustment, primarily in terms organizing constructive dialogues between States parties and treaty bodies.

A simplified reporting procedure with the preparation of periodic reports based on a list of issues prior to reporting (LOIPR) constitutes an effective practice. This procedure helps to make the dialogue between the State party and the treaty body more focused on the issues important for a specific State party. Meanwhile the treaty bodies shall not exaggerate with the individual cases while preparing the LOIPR since the reporting procedure foremost provides for an opportunity of reviewing national policies and legal approaches to fulfill the obligations under respective treaty.

From practical point of view it is important to ensure that the LOIPR approved by the treaty body is promptly translated from the working languages of the treaty body into all official languages of the UN especially that language which is of traditional use by the State party. Currently the translation of the LOIPR is often made with delays.

During the dialogues, a more equal time management should be ensured between the treaty bodies and States parties. The treaty bodies have to limit the number of questions addressed to delegations in order to give the State party reasonable opportunity to respond to them and to explain its position. Currently the number of questions often exceeds the objective capacity of the delegation to answer to them.

It is also important to ensure that States parties and non-governmental organizations comply equally with the limits on the amount of written information provided to treaty bodies. At present, the scope of alternative reports is not regulated.

In a broader sense, it is advisable to further implement paragraph 5 of UNGA resolution 68/268 in terms of developing an agreed methodology by treaty bodies for conducting a constructive dialogue with States parties. In this context, it is advisable for the treaty bodies to develop unified rules of procedure in this part, in cooperation with States parties. A unified format of dialogue between treaty bodies and States parties will simply greatly the preparation of the State parties’ delegations for dialogues.

The implementation of paragraph 6 of UNGA resolution 68/268 remains relevant. Treaty bodies should prepare shorter and clearer concluding observations and recommendations on the results of consideration of national periodic reports, so that subsequent reports can be more specific.

When formulating concluding observations and recommendations, treaty bodies should strictly adhere to the scope of their mandates and not address issues that are monitored by a specific treaty body.

The treaty bodies shall also take into account that their formats and methods of work, established by the rules of procedure (for example, follow-up procedure), are not legally binding for State parties. If case a State party has no capacity to fulfill all these new procedures it should not affect the evaluation by the treaty body of the State party’s implementation of the respective treaty.

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

At the country level, the government of Belarus regularly interacts with civil society and other stakeholders, both in preparing periodic reports and in developing measures aimed to implement the concluding observations and recommendations of treaty bodies. This interaction is regular and open.

In terms of interaction between treaty bodies and civil society, it is also advisable to make the process more open to States parties, especially when alternative reports are submitted.

The existing practice of attendance by the civil society representatives the dialogues between States parties and treaty bodies fully ensures the principle of transparency.

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

We support the work of the OHCHR in providing advisory assistance to States parties on the issues of reporting to the human rights treaty bodies. This activity should be one of the priorities of the Office's technical assistance to States parties.

Examples of best practices by States parties in the context of implementing treaty body recommendations, including through specially established national reporting mechanisms, as well as in the context of possible other national models, may be of interest.

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

We believe that further introduction of new information and communication technologies into the work of the treaty bodies is increasingly important.

It appears possible, following the example of the 43rd resumed session of the UN Human Rights Council, to hold so-called hybrid meetings. For instance, in the case of treaty bodies, this format may allow experts who, for some reason, have not been able to travel in person to Geneva or New York, to participate via video link in the dialogue between the State party and the treaty body.

It is advisable to consider the possibility of developing a single software product for all treaty bodies to transmit and receive information from States parties under individual communications procedures. Such a programme could facilitate a more rapid and uniform exchange of information. At present, difficulties arise when the OHCHR Secretariat tries to offer various remote network resources for the reception by a state party, through its diplomatic mission, of a large volume of information attached to individual communications. This information is often sent by the OHCHR Secretariat in the old-fashioned hard copy format, which makes it difficult to transmit it further to the competent authorities in capitals in a timely manner.

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

Belarus considers inadvisable to organize visiting meetings of treaty bodies to conduct reviews in countries and regions, since changes of the meetings venue makes the budged necessary for their conduct unpredictable.

*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;*

We believe that most of these issues have already been resolved in the relevant international treaties and do not require adjustments.

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

Belarus does not object to increasing the coordinating role of the Chairs of the treaty bodies if this will contribute to greater coherence in the work of the treaty bodies, in particular in terms of avoiding the formulation of identical or duplicative questions in the process of periodic reporting.

*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; efficient and effective use of the meetings of States parties.*

In considering the issue of cooperation between treaty bodies and regional monitoring bodies, the provisions of the relevant international treaties should be taken into account first. However, we do not consider appropriate to give the treaty bodies any new functions or mandates for interaction with regional monitoring bodies.

The issue of coherence of the treaty body system and cooperation between treaty bodies could be the subject of regular discussion at the annual meetings of the Chairs of the treaty bodies, as well as meetings with States parties.

At the same time, it seems appropriate to change the format of annual meetings of the Chairs of treaty bodies with States parties from a briefing to a full-fledged interactive discussion, where topical issues of the functioning of treaty bodies shall be discussed substantially, including an agenda of the official meetings of States parties of the respective treaty.

*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;*

Belarus recognizes the importance of sufficient funding of the treaty body system from the regular budget. The issue of allocating additional resources might be considered only after the treaty bodies’ capacity to optimize their activities has been exhausted and all opportunities provided of the UNGA resolution 68/268 are fully implemented.

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

The particular experience of Belarus with the individual communications procedure under the Optional protocol to the ICCPR shows that the existing practice of processing individual communications is far from being consistent with the provisions of the international treaties.

The treaty bodies tend to assign themselves with the functions and authority of a judicial body and they require from the States parties to take actions, inherent to judicial proceedings, with regard to communications.

This approach has created favorable conditions for a misuse of the individual communications procedure since it gives a false impression of the capacity of the treaty body to resolve individual cases. The growing number of individual communications registered for consideration is not an indication of the effectiveness of this procedure. It shows mostly that the rules of procedure, certain practices and methods of work shall be reconsidered with participation of States parties of the treaty.

Belarus disagrees with this interpretation of the individual communication procedure from the legal point of view, yet remains available to cooperate with the respective treaty bodies on this matter.

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

Belarus supports the measures that could contribute persons with disabilities to broader access to information resources of the human rights treaty bodies, as well as to expanding opportunities for their participation in the treaty bodies’ activities.