**UN Human Rights Treaty Body Review**

**Submission of Canada to the Co-Facilitators**

July 2020

1. Canada welcomes the invitation made by the H.E. Mr. Jürg Lauber, Permanent Representative of Switzerland to the UN and H.E Mr. Omar Hilale, Permanent Representative of Morocco to the UN to provide written contributions as part of the review process of the UN human rights treaty body system.
2. The UN human rights treaty bodies play an essential, foundational role in the protection of universal human rights and their effective implementation by all States Parties. Fundamentally, they help protect rights holders and contribute to access to justice for victims. Canada remains firmly committed to continuing efforts to enhance the effective functioning of the treaty body system in the context of GA resolution 68/268.
3. **Implementation**. As noted in the Secretary General’s recent report, some positive steps have been undertaken to improve the TBS through implementation of 68/268. These include better coordination among Committee Chairs, as seen in the recent treaty body chairpersons’ meeting and treaty body chairpersons’ position paper on the future of the TBS,the increasing use of simplified reporting procedures to improve efficiency, and other means to increase transparency and accessibility, such as systematic webcasting. However, the report also recognizes, and our experience has shown, that longstanding challenges persist and many of the common sense recommendations put forward in resolution 68/268 have yet to be fully implemented.
4. **Alignment of working methods***.* Canada recognizes the efforts and progress made by the treaty bodies in enhancing harmonization of working methods in accordance with 68/268. For example, the increased use of the simplified reporting procedure, coordination on the issue of reprisals, and use of a common format in the constructive dialogues with States Parties. There remains room for further effective measures on working methods and procedural matters, including greater coherence and standardization across the different treaty bodies with respect to the use of the simplified reporting procedure. A harmonized approach to the development of general comments, recommendations and concluding observations, as well as follow-up procedures, would facilitate engagement by States Parties and civil society. These steps would also allow for a focused and balanced constructive dialogue between States Parties and treaty bodies. Coupled with time management during the dialogue and a coherent approach to questions across the committees, the dialogues would be further strengthened with the beneficial outcome of targeted recommendations that can be implemented and tracked to effectively enhance the promotion and protection of human rights domestically.
5. **Predictable reporting calendar.** Canada believesthe TBS would benefit from the development of predictable reporting calendars, allowing states, the Committees and all other participants in the reporting process to better prepare for periodic reviews before the treaty bodies, several (2-3) years in advance. Greater coordination and coherence in the development of calendars across all treaty bodies would avoid situations where a state is invited to appear before more than 2 treaty bodies in a year – something that can be time-consuming and costly for even well-resourced states. Such an approach would also have the benefit of increasing engagement by smaller states as well as civil society, increasing efficiency while reducing the burden placed on them. On this point, we applaud the initiative of the Human Rights Committee in setting up the predictable review cycle and the synchronization of the Covenant Committees (CESCR and CCPR). If a fixed calendar is not possible, one option could be for the annual treaty body Chairs’ meeting to review the calendars for the following 2 years to ensure coherence.
6. **Individual communications.** The individual communications system of the TBS is an essential tool for providing victims of violations with access to justice and an effective remedy. In order to do so, it must be transparent, accessible and efficient. However, the current system is not fit for purpose. All users of the individual communications system would benefit from the allocation of appropriate financial, human and technical resources to the Petitions Unit to enable it to more systematically manage the growing number of communications it receives and at the same time reduce the existing backlog. This would involve *inter alia*, a robust and modern electronic case management system to receive and exchange relevant documentation between the parties, track the progress of the procedures and upload decisions automatically to a searchable database.
7. **Transparency and accessibility**.Canada strongly supports the greater use of information and communication technologies and other measures to increase the transparency and accessibility of the TBS. This includes systematic webcasting of all treaty body sessions and the use of teleconferencing to facilitate the participation of high-level government officials and to carry out broader civil society consultations. The use of teleconferencing can be a cost-effective means, especially for developing countries, landlocked developing countries and small island developing States, and should be offered more systematically. Such innovations have become all the more important in light of the COVID-19 pandemic, which has seen both an increase in violations of human rights and limited ability of the TBS to meet in person. We welcome efforts undertaken by treaty bodies to shift to online working methods to avoid protection gaps, enhance the accessibility of the system and avoid further backlogs. Going forward, we should explore whether some of these measures should be retained to increase efficiency of the TBS and access for rights holders.
8. **Resources.** Canada continues to note that insufficient or unpredictable resources are undermining the TBS. The availability of resources has a direct impact on the capacity of the treaty body system to discharge their mandates, which include monitoring the implementation of the conventions, attending meetings, preparing the list of issues, writing concluding observations, considering individual complaints, and formulating general comments. The TBS needs to be sufficiently funded in a consistent and sustainable manner from the regular budget, in line with the formula agreed to in GA resolution 68/268.
9. **Nomination of treaty body members.** Canada sees the commitment by states to nominate and elect treaty body members with the recognized competence, expertise and experience necessary to fulfill their mandate under the human rights treaties as essential to the health of the TBS. Member States would benefit from sharing best practices in nomination processes, in line with the Addis Ababa guidelines. These should include efforts to ensure greater gender representation in treaty bodies, given the persistent failure of many committees in meeting their obligations on gender equality. Furthermore, ongoing efforts are required to protect the independence and integrity of the TBS, including by avoiding conflicts of interest.
10. **Process.** Whatever the outcome product for this review process, Canada believes it should not reopen or walk back the hard-won consensus achieved in resolution 68/268. The review process should seek the input of experts in Geneva, as well as civil society, the OHCHR, and Treaty Bodies chairs. The non-paper submitted by Costa Rica and endorsed by Canada and more than 45 other States, provides a number of concrete recommendations in this regard. The co-facilitators also may wish to draw from the wealth of resources and analysis developed by states, the OHCHR, civil society, and the treaty bodies themselves in their review of the UN human rights treaty body system. Recognizing that the treaty body system is a work in progress, after this review concludes there may be a need to set a future date to again take stock of evolving challenges and opportunities.
11. Canada looks forward to participating constructively in the review process to develop practical solutions that will help make the treaty body system become more efficient and effective, and better address the needs of rights-holders.