

**QUESTIONNAIRE REPUBLIC OF EL SALVADOR**

**REVIEW PROCESS OF THE UN HUMAN RIGHTS TREATY BODY SYSTEM**

**CONTRIBUTIONS OF EL SALVADOR**

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

The UN General Assembly resolution 68/268 is the framework to assess the functioning of the Human Rights treaty body system. After six years of its adoption, this review process offers the opportunity to reflect on the overall progress, challenges, and mainly, further actions for its improvement.

This review process should be framed in the following context:

* Guaranteeing the effective promotion and protection of universal human rights.
* Mechanism to guarantee the overcoming of crisis situations derived from pandemics and their effect on the development of universal human rights.
* Contributing to the effective implementation of the 2030 Agenda, emphasizing the attention of human rights of the most vulnerable population groups.

We consider that certain progress has been made in the implementation of Resolution 68/268, such as the procedure for following up on final recommendations. In addition, several treaty bodies have begun coordinating lists of issues, and to simplify reporting procedures.

However, the achievements of the simplified reporting procedure remain partial and insufficient. Other relevant challenges are those related to accessibility, predictability and coherence of the system. The current situation must be improved for the treaty bodies to better contribute to positive change on the ground, and to the right holders.

We believe that further practical improvements in the short and medium-term can be made to increase the effectiveness and efficiency of the treaty body system and the optimization of its resources without having to modify existing treaties.

To do so, Member States should focus our attention on addressing structural challenges such as the significant increase in the backlog for individual communications, insufficient staff support to fulfill all mandated activities, while the shortfall in resources for the work of the Committees is expected to continue beyond 2020.

We further emphasize that the goal of these efforts is to focus, coordinate, and streamline the reporting process and dialogues, as well as facilitating more significant interaction between state parties and treaty bodies.

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**

As many countries expressed during the first meeting of this process, it is important to not intend to reopen Resolution 68/268 which encompasses essential pillars for the strengthening of the treaty body system.

However, we need to address the pending challenges to strengthen the treaty body system so it can effectively contribute to transformative change on the ground.

In this sense, we should carefully consider the biannual reports of the Secretary-General on the status of the treaty body system, which reveal progress made in the implementation of the resolution 68/268. Nonetheless, we have noted that there is no space in the UN General Assembly where Member States can deeply and jointly reflect on the content of the reports and also to provide concrete recommendations for the improvement of the treaty body system. The President of the General Assembly could convene a meeting for the Member States to discuss the Secretary-General report, as it is done for other reports.

Member states should also use the report to actively engage with the chairs of the human rights treaty bodies during the works of the UN Third Committee.

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

The harmonization and alignment of the treaty bodies' working methods and procedures are key elements. Furthermore, sufficient regular budget resources and adequate staffing support for all the mandated activities are vital for the continued viability of the treaty body system, as mentioned in the Secretary General's report.

We would like to reiterate that the current burden on the Member States is significant, especially if, in addition to reports to international treaty bodies, requests for contributions or questionnaires submitted by special procedures are added together. In this regard, there must be a fixed and predictable timetable for country reports, and treaty bodies should exhaustively consider all requests made to States parties, taking into account the workload they require.

Furthermore, harmonization and alignment of the treaty bodies' working methods and more coordination are crucial to avoid the overlapping questions, topics, and recommendations. Consistent use of simplified reporting procedures with standard application methodology can be one way to achieve this. In this regard, the Secretariat has an important role to play, and it would be useful if it could map the different working methods and lay out options to align them more closely.

Additionally, a harmonized guide to dialogue and a list of pre-report issues could be used to better understand the reality and challenges that States face to effectively implement each of the international instruments to which it is a party.

1. **Coordination and predictability in review cycles and reporting**

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1. **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**

As previously mentioned, it is urgent to provide more predictability by putting in place a coordinated and fixed calendar among the treaty bodies, taking into account the review of the States under the Universal Periodic Review and other treaty bodies. This would, in turn, facilitate planning the reporting and the oral review for the States, particularly for developing countries, as well as the civil society's participation in the reporting process.

According to the resolution 68/268 the human rights treaty bodies and the Office of the High Commissioner should continue to work to increasing coordination and predictability in the reporting process to achieve a clear and regularized schedule for reporting. The use of digital and technological tools could help optimize the calendar, but this would not justify reducing the budget of the treaty bodies.

It is also important to point out that sometimes there is a delay in applying simplified procedures in the referral of lists of issues to the State for the preparation of reports. In addition, the list of issues should seek to obtain an accurate and quality report by the State. There must be a proportionality between the list of issues and the word limit established for the report since otherwise, it is limiting the State to respond adequately.

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

We consider the dialogue between the treaty bodies and states should be more focused so that the result can have an effective impact on the States when the final recommendations are implemented. In this regard, the questions asked by experts should be limited and better contextualized.

In this sense, treaty bodies and special procedures should establish mechanisms to effectively share the information they collect from States, thus avoiding reiterating information that has sometimes been already provided to more than one Committee. Therefore, a harmonized guideline for the dialogues could help to achieve a coordinated approach to simplify reporting procedure.

As other States mentioned during the first meeting, the enhancement of the dialogue between the treaty bodies and the States is the primary concern because there is a widespread feeling the dialogue needs to be contextualized and more focused and a more constructive narrative should be used to pursue a positive impact on the ground through implementation.

Also, it is essential to highlight the importance of the review by the State Party on the final observations, before its approval, which must be provided in the official language corresponding to the State. At this point, it is also relevant to note that the final report's approval generates an agenda for collaboration or technical assistance to the State.

1. **Assessment of the concluding observations and recommendations**

A more precise formulation of recommendations, where appropriate, could facilitate appropriate follow-up and lead to more effective implementation of the recommendations and to have a more significant impact on the ground. The recommendations should be more measurable, achievable, and strategically focused on a limited set of issues. Recommendations should be based on facts and substantial grounds with sources.

It would also be useful to take into account the relationship with the UPR and its recommendations process, leading also to a comprehensive consideration of all the recommendations received by the set of treaty bodies.

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

We also consider crucial to ensure the continued participation of civil society organizations and human rights defenders, to preserve the integrity and independence of the treaty bodies for the benefit of rights holders.

In the case of El Salvador, greater coordination and interaction has been generated between the different sectors involved with human rights at the national level. It is considered that if the participation of civil society should be contemplated in the reporting process, the mechanism should not be specifically regulated, since it will depend on the need of each State, its reality and context.

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

It is essential to address 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.

We would like to reiterate that resolution 68/268 request in paragraph 17, that the Secretary-General, through the Office of the High Commissioner, to support States parties in building the capacity to implement their treaty obligations and to provide advisory services, technical assistance and capacity-building, in consultation with and with the consent of the State concerned.

This support can focus, for example, on the dissemination and promotion of treaties at the country level and in relevant institutions, on topics such as, its relation to the implementation of the 2030 Agenda for Sustainable Development and effective cooperation with the UN human rights system. More specifically, we consider of great importance for this review exercise the creation of educational programs on human rights and its legal framework at all levels.

We can’t stress enough the importance of developing and establishing a national database of follow-up on the recommendations with more States, especially those that require it most or do not have the necessary budget and tools.

In this regard, long-term capacity building at the national level becomes vital, through institutionalizing structures and processes that may also be useful to comply with reporting obligations under other international treaties or commitments.

One of the silver linings of COVID-19 has been the wider and effective use of technologies that have allowed the continuity of the work of the United Nations. In this sense, virtual capacity building programmes should be considered to provide the relevant knowledge to national officers on the treaty body system.

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

For El Salvador is imperative the implementation of paragraph 23 of the resolution 68/268. The use of technological tools to allow delegations to participate from their capital, without replacing the presence of the State delegations in Geneva, would facilitate more constructive dialogue for those States that, due to financial restrictions, cannot mobilize large delegations. The participation of delegates from capitals through the use of technological tools would significantly contribute to giving the answers of experts in a faster and more comprehensive way.

The COVID-19 pandemic, and the related cancellation of recent in-person meetings in the United Nations, underscore the need to find creative ways to continue and advance the work of treaty bodies. In this new context, multilingualism must be respected, and therefore, interpretation should be secured if virtual meetings of the treaty body system are conducted.

Tools that have proven useful in organizing various meetings within the United Nations as a result of the COVID-19 pandemic can serve for this purpose. Also, using more digital tools, in certain circumstances, could deliver more direct contact with civil society and other relevant stakeholders.

1. **Opportunity of reviews in countries or in regions**

Foster the cooperation between the treaty bodies and the regional mechanisms for human rights should be pursued and reinforced as a way to exchange relevant information and to provide easy access to specific jurisprudence. In order to avoid possible contradictory interpretation of human rights standards, coherence should be strengthened by promoting dialogue between the various treaty bodies and regional systems for the protection of human rights.

1. **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**

It is crucial to reiterate paragraph 36 of resolution 68/268 on the independence and impartiality of the members of the human rights treaty bodies (the Addis Ababa guidelines), which aimed at ensuring objectivity, impartiality, and accountability within the treaty body system, in full respect for the independence of the treaty bodies.

Likewise, gender and other disparities in the treaty body membership must be addressed. While member States 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 and considering a balanced geographical representation.

1. **Enhancement of the coordinating role of the treaty bodies Chairpersons**

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1. **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**

As previously stated, the treaty body system must create the most appropriate mechanisms to exchange information and to strengthen communications to avoid over-reporting from member states. In the same vein, the treaty body system should establish similar communication channels and information exchange mechanisms with regional human rights organs.

Moreover, is important to have further coordination and dialogue between the treaty bodies and the UN specialized agencies, including effective use of information that States have already submitted to various UN mechanisms.

Treaty bodies Chairpersons should play a pivotal role in creating those mechanisms and in ensuring their effective implementation. In this regard, the Presidents of the treaty bodies should have the infrastructure, budget and support of the Secretariat to make their coordination work more effective.

1. **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**

The availability and predictability of resources in the UN regular budget have a direct impact on the capacity of the treaty body system to fulfill their mandates. The availability of resources also determines the potential of the UN Secretariat to support the treaty bodies in all these functions. Therefore, to improve the treaty body system, member states need to ensure sufficient regular budget resources and adequate staffing.

These budgetary issues require not only the commitment of member states to fulfill their financial obligations to the United Nations but also, coordinated actions at the UN General Assembly 5th Committee to ensure adequate funding to the UN Secretariat and treaty body system.

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

We believe that inclusivity work and measures have not been put in place in a standardized manner among all treaty body system. For instance, the meetings of Conference of the States Parties to the Convention on the Rights of Persons with Disabilities have done remarkable efforts to ensure more inclusive discussions. In the same manner, their work is more accessible due to the special attention given to the right holders at the core of this convention.

We suggest these good practices should be carefully considered by other treaty bodies to emulate inclusivity measures in their meetings. This, in turn, would encourage the postulation of candidacies of persons with disabilities to other treaty bodies besides the Committee on the Rights of Persons with Disabilities.

Moreover, bearing in mind the possible expansion of virtual meetings of treaty bodies, besides multilingualism, accessibility must be ensured to leave no one behind.

1. **Efficient and effective use of the meetings of State parties.**

We have noticed that, apart from the Conference of the States Parties to the Convention on the Rights of Persons with Disabilities, the other meetings of state parties are used only for the elections of their upcoming experts. In this regard, UN rooms, simultaneous interpretations services, among others, are not optimally used.

In this sense, member states should carefully consider optimizing these resources available for the meeting of state parties to organize fruitful discussions in the UN among the state parties. Good experiences have been done in previous years, such as the event to commemorate the 25th anniversary of the Convention on the Rights of Migrants and the members of their Families (CRW), organized by some member states in the framework of the CRW state parties meeting in 2015.

In addition, the nominated chairs of different state parties’ meetings should encourage conversations in this regard.

We also highlight the issue of multilingualism as a fundamental basis in multilateral communications. It is also important to have access in all six official languages of all working documentation for meetings and the simultaneous interpretation for every formal procedure.