**RESPONSE TO CALL FOR COMMENTS/PROPOSALS ON THE UN TREATY BODY SYSTEM (OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE (KENYA)**

1. **The functioning of the UN Treaty Body System (efficiency, effectiveness, strengths and weaknesses);**

The UN Treaty Body System allows the protection and promotion of human rights. Whereas the treaty bodies’ recommendations are made to member states, there lacks effective follow-up to ensure compliance.

**Proposal**

Formulation of mechanisms to ensure such compliance, including but not limited to, direct contact with member states and follow-ups to recommendations made.

1. **Implementation of UNGA Resolution 68/268;**

The spirit of this Resolution was well intended. However, there remains a gap in streamlining the procedures and processes of the treaty bodies. For instance, whereas states are expected to submit reports to the treaty bodies, the degree of efforts vary between states.

**Proposal**

Stricter rules to ensure compliance and longer timelines for preparation of reports by member states without undermining the quality of the work product.

1. **Co-ordination and predictability in review cycles and reporting (***response to 3,4 and 5 of the guiding questions)*

**Proposal**

Simpler reporting procedures as well as limiting the length of reports without undermining the quality of the work.

1. **Dialogue between States and Treaty Bodies**

**Proposal**

Shorten the time within which states have an opportunity to have constructive dialogue with the treaty body after forwarding their submissions on specific issues.

1. **Assessment of the concluding observations and recommendations** *(see 1 above on the need for frequent follow-ups on recommendations made)*
2. **Strengthening engagement with civil society and other stakeholders**

**Proposal**

Enhance engagement with civil society and other stakeholders by broadcasting treaty body sessions as also suggested in *7* below;

1. **Use of new Information and Communication Technologies;**

**Proposal**

It would be prudent for treaty bodies to be more visible including the use of technology available. This is especially crucial due to the current Covid-19 pandemic that has limited the movement of persons. For instance, broadcasting the public meetings of the treaty bodies.

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

The opportunity of reviews in countries or in regions depends largely on the fund allocations to treaty bodies.

**Proposal**

It is our considered view that treaty bodies receive more funding to enable them to increase their capacity, increase meeting time and clear backlogs. This will in turn increase the efficiency of the treaty bodies.

1. **Preserve and strengthen the independence and impartiality of treaty board members;**

**Proposal**

A transparent and national selection process allowing state party individuals to present themselves for consideration as well as encouraging all persons with the necessary expertise participate. This should include persons with disability and reflect gender diversity.

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

**Proposal**

Harmonize the procedures of the treaty bodies to avoid a duplication of roles.

1. **Funding of the Treaty Body System** *(see proposal at 8 above)*
2. **Accessibility for persons with disabilities and wider accessibility and visibility of the work of treaty of bodies** *(see 7 and 9 above)*
3. **Efficient and Effective use of the meetings of State parties**

**Proposal**

Maximise the time allocated for interactive dialogue with a State. For instance, limit the time for opening statements or submissions by states. Encourage the use of technology to enhance efficiency.

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