**Pakistan’s inputs for the Co-Facilitator’s Report**

**Human Rights Treaty Body Review 2020**

The UN ‘Treaty Body system’ is a critical component of the international human rights architecture. Being a party to seven, out of nine UN human rights Conventions, Pakistan fully supports the work of treaty bodies, and looks forward to constructively engaging during their upcoming review.

2. The General Assembly resolution 68/268 on strengthening of the treaty body system was a landmark resolution that was adopted after a comprehensive “inter-governmental” process. The resolution undoubtedly instituted significant changes to the Treaty Body system that came into force in January 2015. We understand that it is an appropriate time to review the “effectiveness” of the measures taken under resolution 68/268 “*in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system”* in accordance with the mandate provided under OP 41 of the said resolution.

3. To this end, some specific recommendations on both procedure and substance of the mandated review are as under:

**Process**

4. In terms of the process for conducting the review, it should remain member states driven. While we do see the value in multi-stakeholder consultations, the Co-facilitators should give primacy to views of the member states as they are primarily responsible for implementing obligations, under applicable UN human rights instruments.

**Reporting**

5. The reporting should not become an additional burden for member states. The time table of report review of States for different treaty bodies needs to be better managed, coordinated and streamlined. It has been observed that a state is reviewed in any particular year by 3-4 treaty bodies and then for the coming few years that State is not reviewed by any treaty body. Due to such uneven distribution of treaty body report reviews, the States sometime come under greater work load, hampering their capacity to effectively present their reports.

6. List of issues/questions should be sent well before the review to give the opportunity to state parties’ delegations for proper and better preparation for dialogue. However, list of issues/questions should not be used as a pretext to pick-and-choose and set agenda for the review process, as observed sometimes. The treaty body/Committee should review the State in a balanced manner, and evaluate progress made in fulfilling its obligations with regards to all areas under the concerned treaty rather than only focusing on a few areas.

7. The issues raised during the review by the Committee should remain within the scope of the treaty obligations to make the dialogue more structured and focused and to avoid politicization and selectivity keeping in view, different culture, political and legal system. Speaking time of both experts and state parties should be managed properly for focused intervention from the treaty bodies and member states to improve the overall quality of the concluding observations.

8. Pakistan supports the important role of the civil society in treaty body reviews. However, the civil society is not at par with the State parties, considering that the State parties are signatories and duty bearers and therefore, State parties responses should be considered with particular status, respect and responsibility.

9. Duplication of work by the treaty bodies is an issue of concern resulting in wastage of useful time and resources. The same topics and issues are taken up by different treaty bodies, sometimes infringing each other’s domain. Often the response to a particular issue has already been provided by the State under review to another treaty body. Therefore, better coordination is required for avoiding duplication. Recommendations/observations by different Committees should be in line with parameter of the convention.

10. It has been observed that during the review and in the drafting of the Concluding observations, the treaty bodies, sometimes, do not take into consideration different cultures, religious sensitivities, history, political and legal systems of States. Such an approach goes against the principles of the treaty bodies and must be avoided. Particular examples can be provided if asked. One size fits all policy should not be applied. Moreover, those notions should be applied by experts which fall under internationally agreed human rights legal framework.

11. The report review must properly reflect the information provided by the State parties, especially in the drafting of the Concluding Observations.

12. Although follow-up procedure in terms of follow up report to Concluding Observations is useful to ensure a continuous constructive dialogue towards effective implementation of the recommendations, however, situation and the complexity of the issue at hand must be taken into consideration regarding the time line of implementation of the recommendations.

13. The veracity of information is important in carrying out a factual review. Therefore, while considering information from various sources, the treaty body experts must follow an objective approach of looking at the credibility, reliability and transparency of the source of information. The information must be cross-checked to the best extent possible.

**Mandate of Treaty Bodies**

14. The treaty bodies should adhere to their respective mandates as set out in the relevant treaties. State Parties should not be assessed on the basis of obligations contained in treaties that they have not ratified.

15. The treaty bodies should continue to place greater emphasis on applying their expertise and experience to provide more targeted and practical recommendations and suggestions to assist States Parties to realize their treaty obligations, as per the obligations emanating from the particular treaty.

**Financial Resources**

16. Notwithstanding that all UN treaty bodies, within their respective mandates, are equally important, optimal allocation and use of financial resources to different UN treaty bodies may, inter alia, take into consideration number of ratifications of a given treaty-as indicator of possible workload.

**Nominations and elections of experts to the treaty bodies**

17. The nomination and election of treaty body members remains the sovereign prerogative of member states. There is no justifiable basis for introducing new mechanism to screen or assess candidates running for treaty body elections. Such mechanisms would also be superfluousgiven that all candidates are publicly nominated by States Parties, who are able to seek information and exercise their judgment on the suitability of the candidates.

18. It is also critical that the UN treaty bodies reflect different legal systems and understandings prevalent around the world. Therefore, an effort must be made to translate this aspect into a reality. Moreover, on the basis of a careful study/ analysis of the situation, concerted efforts must be made to ensure equal geographical representation, different cultures and legal systems in the Treaty Body Secretariat.

**Capacity-building of States**

18. Under UNGA resolution 68/268, 4.5 million USD has been allocated for capacity-building. This programme has proven to be very useful in assisting States to fulfill their reporting obligations, and establish follow-up national mechanism/institutions. As primary implementers of international human rights instruments to which they are party, the upcoming review process should explore ways and means to further expand capacity-building of States. In this regard, special attention should be given to developing countries.

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