**Review of The Human Rights Treaty Body System: comments by Preeti Saran, Member, Committee on Economic, Social and Cultural Rights**

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

The Human Rights’ Treaty Body System, with its 10 unique Covenants/Conventions/Agreements, covers diverse areas of protection of human rights, under the rubric of its two main “mother” Covenants, namely Civil and Political Rights and Economic, Social and Cultural Rights. The genesis of the two main Covenants, their memberships, mandates and even their formation, are different and follow two important parallel processes. While the Committee on Economic, Social and Cultural Rights (CESCR) is elected by the ECOSOC, the Committee on Civil and Political Rights (CCPR) is elected by the UNGA. Any review of the Treaty Body System must bear in mind the equal importance of both Conventions, and any reform undertaken in that context, must not be at the cost of diluting either the mandate, importance or the uniqueness of either.

Moreover, any attempts to replace or give primacy to the Universal Periodic Review (UPR) in the Human Rights Council (HRC), over the administration of the treaties by the respective independent Committees, should be discouraged, because, while the UPR is a “peer review” process of member states, the various Committees established are intended to independently monitor the implementation of each of the treaties, in its letter and spirit.

**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**

While it is the prerogative of State Parties to the treaties and conventions, in their capacity as members of UNGA, to ensure the implementation of the UNGA resolutions, it is the responsibility of the independent members of the various Committees, entrusted to administer the treaties/conventions, to maintain the integrity of the respective Committees and the conventions/treaties they administer.

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

While it is helpful for members of each of the ten treaties/conventions to take informed decisions in administering the work in their respective Committees, it may not be possible to “harmonize or align” its working methods, given the uniqueness of each Committee, with varying memberships, applicability and the difference in the substantive content of each of the treaties. At best, the Committees could try to exchange information and learn from each other’s best practices.

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

It may not always be possible to follow the same review cycle, given that memberships of each of the Conventions, including CESCR and CCPR are different.

**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**

While it is important to simplify procedures, it should not be at the cost of “cutting corners” in preserving the integrity of the treaty body system, the independence of the respective Committees or in its implementation. Any “common core document” must be designed to uphold the economic, social and cultural rights, as enshrined in the Covenant on Economic, Social and Cultural Rights.

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

This is important and certainly being followed diligently in CESCR.

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

In CESCR, follow-up on the concluding observations (COBs) and recommendations are being undertaken meticulously, with its own internal follow-up mechanism.

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

CESCR obtains inputs from State Parties and civil society and undertakes regular interactions with all concerned in formulating its COBs and recommendations.

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

This is working satisfactorily in CESCR.

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

Satisfactory

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

I would recommend reviews to be undertaken only by the Committee, collectively and centrally. I would advise against any “regional” reviews, given budgetary constraints and if this entails excluding the participation of the full membership of the Committee.

**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**

Already being implemented in CESCR

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

The Chairperson gets his/her mandate from the Committee members. At all times, the Chairperson should represent the voice of the entire Committee.

**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**

My comments are already contained in the foregoing paragraphs. I would once again, emphasize that “regional monitoring mechanisms” militate against the role and mandate of the full Committee’s decision-making process and should neither be encouraged nor considered.

**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**

Adequate allocation of financial and human resources from the regular budget of the UN is imperative to maintain the integrity of the treaty body system. For the same reason, there should be no attempts to seek extra-budgetary resources. The allocation of resources should ensure undertaking activities such as pending reports submitted by State parties, in accordance with relevant provisions of the Convention.

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

Satisfactory

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

CESCR is making efforts to improving the visibility of the work of its Committee.

**18.Efficient and effective use of the meetings of States parties**

In recent sessions, CESCR has made effective use of its meetings with State Parties by streamlining its work and effective use of time.