

Permanent Representation of Belgium to the United Nations Office

and other International Organizations in Geneva

**Questionnaire in relation to General Assembly resolution 68/268 –**

**Response of Belgium**

Belgium welcomes the request for submissions of States on the state of the human rights treaty body system and thanks the High Commissioner for Human Rights for organizing and processing this round of consultations.

Belgium is a strong supporter of the human rights treaty body system. However, numerous reports of the Secretary-General on the Status of the human rights treaty body system have made clear that the well-functioning of the treaty body systems is hampered by a lack of reporting compliance, a backlog in state reviews and review of communications and insufficient alignment or harmonization of working methods. The pandemic has further deteriorated the situation.

Decisive action by all stakeholders to improve the system is in order. Most of what needs to be done to improve the functioning of the treaty body system is known and is mentioned in A/RES/68/268, in the report of the Chairs of the human rights treaty bodies (A/74/256, in particular annex III) and in the report of the co-facilitators on the state of the treaty body system (A/75/601).

Furthermore, the position of Belgium on treaty body strengthening was reflected in a letter to the treaty body chairs, co-signed June 2nd, 2021 by a cross-regional coalition of 47 countries (see attached). In this letter the Treaty Body Chairs are encouraged to adopt the following forward-looking measures which would help ensure the treaty bodies’ compliance with § 1, 5, 6, 7, 9, 15 and 34 of A/RES/68/268:

1. Introduce a predictable calendar of review cycles that is coherent, that maximizes synergies, ensures complementarity among treaty bodies and avoids unnecessary repetition. Such a calendar also needs to take into account, inter alia, the increasing reporting burden and resource constraints of States parties, in particular Small Island Developing States and Least Developed Countries, and factor in other reporting obligations such as the Universal Periodic Review. When producing this schedule, we strongly recommend the treaty body Chairs to replace every second review with a focused review so as to enhance reporting compliance.

2. Move to a model of rationalized, harmonized, streamlined and modern working methods and rules of procedure. Ensure a uniform and simplified reporting procedure is the default procedure for all periodic reports and to limit the number of questions in the list of issues prior to the reporting on the basis of a standard methodology. Frequent meetings amongst Chairs and consultation with Member States to monitor implementation, as well as further initiatives to enhance coordination and planning and to share best practices across treaty bodies, would be desirable.

3. Keep pace with the new technological developments to increase the efficiency, transparency and accessibility of the treaty body system. Online and hybrid work models are tools for enhanced engagement with all actors involved and should form part of a balanced approach that encompasses both online working methods and traditional physical meetings.

Referring to §33 of A/RES/68/268 concerning an exceptional measure and with a view to eliminate the current backlog of reports, without prejudice to the existing practices of the human rights treaty bodies, Belgium is of the opinion that the treaty body system should make a clean break with the past, introduce a new predictable calendar of reviews and leave unreviewed all those states that introduced a report over one year ago. This would free up capacity to assist and review those countries that have acceded but never introduced a first report. This would also alleviate our concern that currently - and further aggravated by delays caused by the pandemic - the time that has elapsed between the introduction of state reports and the actual state review is too long, reducing the relevance and the impact of the exercise. The practical modalities in working out such a clean break are to be openly discussed amongst all stakeholders.

With regards to the State responsibility, cfr §10, to nominate experts of high moral standing and recognized competence and experience, taking into account parameters of §13 with regard to i.a. equitable geographical distribution, and with due respect for the independence and impartiality of members of the treaty bodies, cfr §35, Belgium scrupulously respects these paragraphs and calls upon all member states to do likewise.

In relation to §22 and other paragraphs related to modern working methods, Belgium wishes to underline that most treaty bodies have made large efforts to adapt to the new context created by the pandemic. The presence of all treaty body members in one physical location, when the treaty body is in session, should remain standard practice. However, state parties or civil society organisations that prefer to participate virtually should be allowed to do so in the future, also after the pandemic is over. This would go a long way in increasing the visibility, the level of participation in state reviews – while at the same time reducing costs and carbon foot prints.

The Daily Substance Allowance which comprises the total contribution of the United Nations towards such charges as meals, lodging, gratuities, in order to compensate expenses of treaty body experts has - during the pandemic - proven to be inadequate and not adapted to virtual modes of working. The UN Secretariat, together with the member states, should revise the current system and come up with a new or complimentary system of allowances that would accommodate and compensate those experts who prefer, or are obliged by circumstances, to participate virtually to the proceedings of their respective treaty body.

With regards to §26 concerning the allocation of meeting time and the corresponding financial and human resources, Belgium is of the opinion that the allocation of meeting time has worked reasonable well but that the corresponding human resources to support the work of the treaty bodies has been insufficient. Decisive action of treaty body chairs on § 1, 5, 6, 7, 9, 15 and 34 of A/RES/68/268, on the co-facilitator’s report and on the treaty body chairs’ own report, should subsequently lead to increased support in terms of human resources to the work of the treaty body experts.