**Contribution by Germany**

**to the questionnaire in relation to General Assembly resolution 68/268**

**(Treaty Body Reform)**

1. Germany supports the underlying motivation of UN Resolution 68/268 which is to strengthen the human rights Treaty Body system by enhancing the effective functioning of the system. The process, which has started with the adoption of the Resolution 68/268, has led to the discussion necessary for the strengthening of the system. The broad participation and responses of States and stakeholders to the call of the co-facilitators show the broad support to that process. Germany notes, that extensive exchanges were undertaken in the past years which have produced many valuable ideas and steps to be taken in order to allow the Treaty Bodies to function more effectively. It is now time to support the process of Treaty Bodies reform with the necessary attention and financial resources, in order to implement plans and decisions.
2. The Treaty Body system is one of the key elements of the international human rights protection system. It is an essential element for the implementation of the human rights covenants and the core conventions at the international level. The expert-based monitoring of implementation allows advising and supporting governments in their endeavours to implement each of the covenants and conventions in national politics.
3. There are clear signs that the stakeholders involved are willing to take the steps necessary to renew and strengthen the Treaty Body system. There are encouraging steps already undertaken by Treaty Bodies. Germany notes favourably that the changes envisioned are practical and innovative and that they challenge some of the long standing working methods of Treaty Bodies. We welcome the spirit of openness among and within Treaty Bodies to move forward and innovate. This is reflected in common interventions by the chairs of the Treaty Bodies. The objective of this 33rd Chairs meeting was to articulate a detailed plan of action and translate into specific modalities the Chairs’ vision agreed at the 31st meeting of the Chairs on 28 June 2019 ([A/74/256](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/237/65/pdf/N1923765.pdf?OpenElement)) and their written contribution to the co-facilitators on the 2020 review, agreed at the 32nd meeting of Chairs on 30 July 2020 ([A/75/346](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/235/78/pdf/N2023578.pdf?OpenElement)). The chairs agreed that it was important “to ensure the provision of resources for the implementation of the decision of the Covenant Committees to establish predictable review cycles over an eight-year period to review all States parties, whether reporting or not reporting, by 2023“ (A/75/346, para 46 (g)). This decision should be implemented in order to show that the Treaty Body reform process is leading to practical and forward-looking results, which take up the initial purpose of resolution 68/268 to improve the effectiveness of the system.
4. The Chairs considered replacing every second session with a more focused report on a reduced number of issues. Discussion is ongoing whether the follow-up processes which have been developed by the Committees could be used in such a focused interim report. It would allow to address some of the most important implementation issues in the middle of the predictable review process. The chairs support a predictable calendar. For Convention committees it could encompass a ten-year period. Several treaties have their own provisions and time frames for the monitoring process. These specificities need to be taken into consideration. The process of agreeing among the Treaty Bodies through the Chairs meetings is not fully finalized yet, but currently ongoing. Its timely conclusion is essential.
5. The overall Treaty Body Reform process deserves stronger attention and support. In this respect, Germany supports the process and outcome of the Co-Facilitators and their findings and recommendations (A/75/601) and encourages the High Commissioner for Human Rights and the Secretary General to guide the process and support a speedy implementation of the decisions for alignment already taken by several Committees. Both should facilitate that a timely decision is taken and the system supported accordingly.

Germany responds to the Questionnaire as follows:

**A Use of information and communication technology.**

1. Germany supports the conclusions of the co-facilitators’ report, i.e. that the Treaty Bodies should use new technological developments to increase efficiency, but also increase the transparency of the Treaty Body system. The opportunity to allow access of stakeholders to Treaty Bodies online meetings can improve the accessibility of the system for relevant stakeholders, for example of smaller and remotely based civil society actors as well as of persons with special needs.
2. Germany supports the position stated in the report of the co-facilitators that large parts of the work of Treaty Bodies cannot or should not move online. States reviews in person helps and facilitates the dialogue character of the process and are a crucial component of the work of the Treaty Bodies, which allows discussing implementation barriers and lessons learnt in a constructive manner. State party dialogues conducted in person should remain the standard. The Treaty Bodies’ members need sufficient time for thorough exchange, judgements and concluding observations.
3. Information and communication technology will increase opportunities for stakeholder’s participation. More NGOs can attend state party dialogues in a larger number than if they had to travel to Geneva. Treaty Bodies could have preparatory meetings online and the proactive and improved use of online platforms is recommended.
4. Under the exceptional situation precipitated by the Covid pandemic, several first online sessions were held by different committees. Germany recommends to evaluate the experiences made during these sessions in order to better assess lessons learned, e.g. how the system should react in exceptional situations. Germany supports the call of the Chairs of the Treaty Bodies to make sure that reasonable accommodation is available for persons with disabilities so that they can fully participate, in accordance with the recently adopted United Nations system-wide policy on disability inclusion.
5. The co-facilitators discussed if Treaty Body members should receive a percentage of the per diem allowance (20 per cent of the usual rate for each full day of attendance) for online meetings. This should be further explored. It appears reasonable to cover incidental expenses, because the online presence also requires a full day of attendance of the members.
6. Germany strongly supports the use of digital devices to standardize the management of individual communications in order to enhance the efficiency and transparency of the case management system. A case management system should include an online platform for submissions, which allows States and petitioners to electronically submit their observations and access information about the progress of the communication. This requires that the Petition Unit is strengthened and receives adequate financial, human and technical resources to function well and address the considerable existing backlogs. A user-friendly online database that provides access to views adopted in individual communication procedures and is searchable could greatly enhance transparency and accessibility of Treaty Bodies’ practice.

**B Alignment of working methods and rules of procedure**

1. In general, Germany supports the underlying idea to the alignment of working methods and rules of procedures. An aligned methodology will facilitate the input of States parties, national human rights institutions and civil society organisations, including institutions of victims to human rights violations themselves. An alignment should not mean totally identical processes. It allows for working methods with an aligned structure and method, but which might vary according to the mandates of different Treaty Bodies, particular when the legal basis is different.
2. Germany welcomes the simplified reporting procedure as an excellent way to avoid unnecessary work, both for the reporting states and for the Treaty Bodies. It can contribute to a more focused and constructive dialogue. Germany welcomes the steps already undertaken by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in adopting the simplified reporting procedure as a standard method with an opportunity to opt out and to follow the traditional way instead.

**Aligned methodology for constructive dialogues**

1. Both Covenant committees have adopted aligned methods for constructive dialogues, including the development of list of issues prior to reporting. This methodology includes the rules for a reduced number of questions and the avoidance of duplications of questions in order to avoid that the same issues are dealt with by several committees in parallel. Such an aligned methodology should be used as guidance for all Treaty Bodies. Germany acknowledges the necessity for adaptations among the Committees in the methodologies they apply, given their specificities. The alignment does not have to lead towards full harmonisation, but instead to an enhanced coordination, more complementarity and the reduction of unnecessary duplication.

**Aligned methodology for concluding observation and follow-up recommendations**

1. Germany strongly supports to align the methodology for concluding observations. These should be prioritized and, where possible, better coordinated with the Universal Periodic Review and results from country visits of special procedures. The instrument of follow-up recommendations is a good tool to guide national implementation. State parties should ensure an effective institutional follow-up to the recommendations at the national level and strengthen national coordination for the implementation and if possible a mechanism for reporting and follow-up.

**C Fixed calendar and periodicity with human rights Treaty Bodies sessions**

1. Consultations in 2021 have shown that a predictable calendar can be manageable and could improve predictability as well as domestic planning and that it could address the different challenges facing the reporting process. It will be helpful for States, but also other stakeholders for planning input and engagement. It will help to overcome long delays in reporting and non-reporting and therefore contribute to a more effective monitoring system. It would also be helpful to avoid uncoordinated processes and postponements.
2. Germany fully supports the decisions of the Covenant Committees to install a predictable calendar of eight years. The process could start in 2023 and the necessary resources should be made available. For other Treaty Bodies a smaller and more focused review after a period of five years may suffice. Germany supports this planned periodicity as well as the idea to have a focused review in between the sessions and would like to suggest that the focused review should be based on the follow-up recommendations contained in the concluding observations.

**D Accessibility by different stakeholders**

1. Germany supports the call from the co-facilitators to align the model of interaction between Treaty Bodies and civil society organisations, as well as national human rights institutions. Clarity in the modalities would allow for greater transparency for stakeholders to know how to interact, plan and prepare with the Treaty Bodies. The use of digitalization e.g. in form of online presence or hearings can be helpful in order to reduce travel costs, which may help to increase the number of stakeholders that attend the dialogues with Treaty Bodies, and with that enhance the visibility and accessibility of the Treaty Body system.
2. Germany fully supports that accessibility of persons with disability must cover both in person meetings as well as all new forms of access through digitalization platforms. Germany strongly supports the proposal from the co-facilitators that harmonized efforts should also cover the handling of reprisals and the coordinated and coherent implementation of the Guidelines against Intimidation of Reprisals (San José Guideliens) by all Treaty Bodies.
3. If and in how far reviews in the regions can be a helpful tool needs to be investigated further. Any increase of resources for the Treaty Body system should first be used to implement the simplified reporting and the predictable calendar and the necessary strengthening of the secretariat also through more digitalization.

**E Capacity building and technical assistance**

1. The work of the Treaty Bodies requires adequate technical, human and financial resources in the secretariat, both for the Petition Unit, but also for the regular secretarial support to State reviews. If the committees adopted a predictable calendar, the number of state reports would increase and the secretariat would have to have the adequate capacity to support that increase.
2. Germany fully supports the view of the co-facilitators that strengthening the system of support to developing countries and small States with limited human and technical resources would help them to comply with their reporting obligations. Germany also supports the idea that the current system of capacity building should be thoroughly evaluated in order to improve the effectiveness, the impact and the sustainability of such programmes. They should integrate the participation of non-State actors, including civil society and national human rights institutions.

**F Budgetary issues**

1. Treaty Bodies monitor the implementation of the legal obligations of States. This is the core function of the human rights protection system of the UN. The monitoring is expert based and independent from political decisions. The adequate financing of the system is therefore of utmost importance, because, if interrupted or not adequately functioning, it would produce an immediate protection gap and direct impacts on individual rights.
2. Germany supports the view of the co-facilitators that the budgetary allocation and availability of resources for Treaty Bodies should not be subject to fluctuation and that the General Assembly needs to provide the full allocation of resources required by the Treaty Bodies to effectively carry out their functions and mandates, including the need to secure the necessary support staff within the Secretariat. The General Assembly should provide the full allocation of resources required by the Treaty Bodies to effectively carry out their functions and mandate, including adequate financial support to the secretariat.
3. Germany also supports the view of the co-facilitators that the regular funding needs should be based on the number of ratifications and the expected compliance of States parties on a regular basis, which would be the outcome of a fixed / predictable calendar. This should replace the current financial formula for the human rights Treaty Bodies system in GA resolution 68/268.
4. It is also important to provide financial means for Treaty Body reform efforts already piloted in some instances, e.g. a predictable calendar and the alignment of working methods. The decisions reached by several Committees so far should already be supported to ensure further progress.