**Questionnaire in relation to the implementation of General Assembly resolution 68/268**

**Contribution of Portugal**

All the provisions included in Resolution 68/268 remain valid. Though some of them have achieved positive results, others require renewed efforts. Measures adopted during the pandemic have opened up new opportunities for dialogue between the treaty bodies and states parties to the treaties, as well as national human rights institutions and civil society organisations, but they have also highlighted connectivity challenges and the need for a balance between face to face meetings and remote communication.

In assessing the outcomes of Resolution 68/268, we would like to highlight the following aspects:

**1. Simplified reporting procedure**

It is increasingly used by treaty bodies to encourage non-reporting and long delayed in reporting States parties to the different treaties to comply with their reporting obligations. It is also used to focus the discussion on recurrent constraints to the realization of human rights during the dialogue with states parties that are already in an advanced reporting round, thus offering the opportunity for a more focused exchange of views and concluding observations.

In turn, more states parties are using the simplified reporting procedure, having better understood its potential to facilitate the preparation of their reports, decrease the reporting fatigue and contribute to a more focused interactive dialogue with the respective treaty body. Portugal has reported to the Committee against Torture (CAT) under the simplified reporting procedure and has already accepted that the next reporting cycles to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities take place under the simplified reporting procedure.

**2. Assistance to States parties at the national level in building and developing institutional capacity for reporting**

Portugal is aware that the OHCHR has been engaged in multiple training initiatives on reporting and follow-up with a view to build and develop institutional capacity at national level and support states in better integrating human rights into their policies and programmes. These efforts should be further promoted and strengthened.

Portugal attaches great importance to expanding institutional capacity for reporting at domestic level as well as in the context of bilateral cooperation with the Portuguese speaking countries. In 2021, as part of the activities of our National Human Rights Commission, training sessions were conducted on the international human rights protection system; national mechanisms for implementation, reporting and follow-up; and drafting reports in the area of human rights by identifying the information that the various treaty bodies expect to receive in the national reports, avoid common errors and enable a more efficient and focused drafting exercise. These initiatives were held on-line and participants were staff from the Portuguese line ministries as well as from member states of the community of Portuguese speaking countries.

**3. Aligned methodology for the constructive dialogue**

The elaboration of an aligned methodology for the constructive dialogue with States parties is an area that now has to take into account recent developments in on-line dialogues during the pandemic that should be assessed and upgraded in order to increase the participation of national delegations that cannot travel to Geneva in large numbers and to balance the need for in session interactive dialogues and on-line remote exchanges. Treaty bodies, states parties, NHRIs and CSOs need both, since nothing can replace a face to face exchange but there can be alternative solutions that do not weaken the necessary compliance obligations but rather help to cover long periods when face to face meetings are not possible.

There are three important underlying considerations.

The first is that treaty bodies and states parties would stand to gain from an aligned methodology for a constructive dialogue under any circumstances with clear indication of time allocations for all those involved, so as to maximise the time available for a productive dialogue.

The second is that NHRIs and CSOs need to have the opportunity to connect on line with the treaty body (when the dialogue is on-line) in order to contribute in an effective manner to the information available that enriches the dialogue and ultimately helps to shape more focused concluding observations.

The third and the one that is really crucial is to expand the strengthen the long-range connectivity of the OHCHR so as to provide a good ground for the exchange and reduce stress and frustration due to connection failures and difficulties in the exchange. In this context, live web casts of the public meetings of treaty bodies and the possibility of participating through video conference in order to enhance the accessibility and visibility of the treaty bodies acquire more relevance. In this context, we look forward to the results of the OHCHR funding concept proposal for the human rights mechanisms digital transformation for 2021-2023 “which should facilitate the work of the mechanisms with fit-for purpose technological platforms and benefit all human rights mechanisms, enabling efficiencies and more collaborative work streams”[[1]](#footnote-1)

**4. Harmonization of working methods**

Much has already been achieved concerning the harmonization of working methods and probably more can be learned from the exchange of good practices adopted by the different treaty bodies. Though instituted at different points in time and reflecting the views of the respective treaty, which naturally led to different approaches to working methods, treaty bodies are part of a system and they should individually and collectively contribute to its effectiveness and transparency.

Given that treaty bodies have progressed in harmonizing working methods while remaining true to their mandate, it would be interesting to see an updated compilation by the OHCHR of good practices, taking already on board the results of the measures taken during the pandemic to provide a clear picture of what has already been achieved and of where further efforts would be useful.

**5. Aligned consultation process for the elaboration of General Comments**

There are already some good examples of joint general comments (Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, in 2014, revised in 2019; Joint general comments Nos. 3 and 4 of the Committee on the Rights of the Child and Nos. 22 and 23 of the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families on the human rights of children in the context of international migration, in 2017).

There are also good examples of Joint Statements by several treaty bodies (Joint Statement on Human Rights and Climate Change, by CEDAW, CESCR, CMW, CRC, and CRPD; Joint Statement on Freedom of Association, including the right to form and join trade unions, by CESCR and HRC, in 2019).

An aligned consultation process and the elaboration of joint general comments carry added weight in their primary objective of providing guidance to states parties as well as in informing court decisions. They are also useful for the different treaty bodies to share insights based on their respective treaties and to further promote the human rights system by strengthening the universality, indivisibility and interdependence of all human rights.

**6. Review of the common core document**

In our opinion, the common core document remains underutilized and no longer serves its purpose. In many cases, it is not considered fundamental in a coherent reporting schedule; in others, it is outdated.

We would like to renew the request for treaty bodies, based on their experience of utilising the common core document as a fundamental element of the reporting cycle, to update the existing guidelines and provide clear guidance to States parties on how the content of the common core document can best be used to enhance the treaty-specific reports.

**7. Enhancing the role of the Chairs**

The role of the Chairs is still more important under the present circumstances in order to ensure coherence and generalize good practices. We encourage treaty bodies to continue to enhance the role of their Chairs in order to increase the efficiency of the system, inter alia, by moving forward with a predictable and coherent reporting calendar building on measures already put in place by some treaty bodies in order to ensure complementarity among them, avoid unnecessary repetition and ensure that full reporting compliance is achievable. We encourage the Chairs to continue to provide States with the opportunity to interact with them during their annual meetings in Geneva and New York. We also encourage OHCHR to promote such exchanges through other formal and informal meetings.

**8. Statute of the Committee on Economic, Social and Cultural Rights**

Portugal believes that the Economic and Social Council should consider replacing the existing procedure for the election of experts to the Committee on Economic, Social and Cultural Rights with a meeting of States parties to the International Covenant on Economic, Social and Cultural Rights, while preserving the current structure, organization and administrative arrangement of the Committee as set forth in Council resolution 1985/17.

1. Opening remarks by the Director of the Human Rights Council and Treaty Mechanism Division at the 33rd

   meeting of the TB Chairs, June 2021 [↑](#footnote-ref-1)