**2020 Review of the United Nations Treaty Body System**

**Comments on the Australian Government’s implementation of General Assembly resolution 68/268, including those provisions addressed to States**

Australia is a strong supporter of the UN Treaty Body System and the work and agencies of the United Nations more broadly. Australia is committed to protecting international norms and rules that promote cooperation. Australia supports the use of the simplified reporting procedure and has adopted that procedure where available. For example, Australia’s 2016 ICCPR, 2018 CRPD and 2019 CAT reports were prepared in accordance with the simplified reporting procedure.

Australia submitted its current common core document in August 2007 and is currently preparing an updated common core document for submission in 2019. Australia supports and facilitates NHRI and NGO involvement in our treaty body reporting processes. For example, Australia often provides funding to NGOs for the preparation of shadow reports, and to participate as members of the NGO delegation at Australia’s appearance. Australia does not intimidate, attack or criticise NGOs for their engagement with the human rights treaty bodies.

When vacancies arise in the multilateral system, Australia seeks to nominate high calibre, qualified individuals to fill relevant positions. The Department of Foreign Affairs and Trade undertakes a due diligence process to ensure candidates are credible, capable, hold appropriate qualifications, have relevant skills and expertise, and have no adverse findings in human rights screening processes.

**Comments on the state of the human rights treaty body system in view of the upcoming review by 9 April 2020, on the effectiveness of the measures taken in order to ensure the sustainability of human rights treaty bodies, and on any further action to strengthen and enhance the effective functioning of the human rights treaty body system**

Australia supports the imposition of word limits for treaty body reports. However, with Lists of Issues Prior to Reporting and Lists of Issues, there can be great difficulty in meaningfully responding within the word limit to the number of issues raised. This is particularly the case where one question might require the respondent to address multiple issues or explain how a policy or program affects numerous cohorts of people.

Australia supports measures to clarify or limit the number of issues presented in Lists of Issues Prior to Reporting and Lists of Issues. Consideration should be given to how realistic reporting guidelines are in the context of word limits. Guidance from Committees as to the desired or necessary balance between breadth and depth of information to be provided would be of great use.

Australia continues to support recommendations made in the context of the High Commissioner’s treaty body strengthening process in 2012.

The following recommendations remain relevant and should be pursued in the 2020 Review (order as outlined in Australia’s 2012 submission):

* Reporting and appearances calendar
* Time limits and format of questions during appearances
* Assisting implementation by improving concluding observations
* Improving the use of information technology
* Enhancing the independence and expertise of Committee members
* Common Core Document
* Video-teleconferencing
* Individual communications

*Reporting and appearances calendar*

The Australian Government continues to support the development by OHCHR of a master calendar for all of the Committees. The Australian Government has previously recommended that a master calendar be coordinated across all Committees and include the due dates for States parties reports and appearance dates. A master calendar would provide valuable assistance to States parties in engaging effectively with the treaty body system.

Australia reiterates its strong support for the harmonisation of working methods across all Committees. It also notes that greater coordination of scheduling will avoid duplication of reporting processes and overlap of appearances before different treaty bodies and the Human Rights Council. Given Australia’s federal system of government, advance notice of reporting deadlines and scheduled appearances would similarly facilitate better reporting by allowing for adequate time to coordinate responses with Australia’s eight States and Territories.

*Time limits and format of questions during appearances*

The Australian Government recommends the implementation of strict time limits for appearances, which would improve the focus and quality of questions and answers. Australia welcomes time limits that encourage both the State party and Committee to: make the most efficient use of time available; and ensure sufficient time and scope to discuss issues in detail and present their perspectives fully.

Australia supports the use of targeted, clearly-articulated questions that expressly reference relevant articles of the treaty to ensure the Committee receives the most relevant and appropriate information from States parties. Australia strongly supports the proposal for the provision of a list of questions to the State party delegation 24 hours prior to the appearance to avoid duplication of questions and to allow States parties the best opportunity to provide detailed and in-depth answers.

If questions are not provided to States in advance, Australia recommends that questions be limited in number to allow States time to answer the questions asked by Committee members.

*Assisting implementation by improving concluding observations*

The Australian Government notes the precision, relevance and accuracy of concluding observations may influence the ability of States parties to implement them. Clear links to specific provisions of the treaties and the issues discussed at the appearance are essential. Australia supports greater consistency between concluding observations and relevant recommendations by special procedure mandate holders. It also notes support for a consistent policy on allowing States parties to review concluding observations before their release to identify any factual errors.

Australia supports refocusing and simplifying concluding observations to incorporate a more practical approach, with priority areas for follow up of short, medium and long-term goals. Tailoring concluding observations more towards the different domestic legal and political contexts of individual States parties and sharing best practice examples would also assist with implementation. Australia supports the formulation of a consistent policy on reviewing follow-up actions by States parties.

*Improving the use of information technology*

The Australian Government continues to support measures to improve the accessibility and accuracy of information relating to the treaty body system. The OHCHR website contains valuable and largely up-to-date information for States parties, non-government organisations (NGOs) and members of the public. Australia suggests that the accessibility of the OHCHR website may be improved through easier navigation between pages, a better search function and a continued focus on ensuring it is user-friendly for persons with disabilities.

Australia welcomes the introduction of webcasting of a large number of public meetings and State party reviews. Australia reiterates its support for the broadcasting of all public meetings of the Committees through social media to enhance the visibility of dialogues and the Committees’ work and to encourage greater NGO and general public participation in treaty reporting processes.

*Enhancing the independence and expertise of Committee members*

The Australian Government reiterates its support for the nomination of independent and highly qualified candidates for membership of all Committees. Australia welcomes the adoption of the Addis Ababa guidelines on the independence and impartiality of the human rights treaty bodies by most Committees. Australia also welcomes the General Assembly’s steps to encourage States parties to adopt national policies or procedures with respect to nomination of experts.

Australia supports a limit of two successive terms under the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture. Australia remains supportive of the recommendation that members of all Committees serve a maximum of two terms.

*Common Core Document*

The Australian Government supports the standardisation of the use of a Common Core Document with treaty-specific Lists of Issues Prior to Reporting through a consistent, clear policy on its use. This measure would help ensure the treaty body system is effective and efficient in the future.

*Video-teleconferencing*

The Australian Government notes OHCHR’s interest in facilitating video-teleconferencing and reiterates its support for the use of this technology as a cost-effective means for enabling more high-level government experts to participate without having to travel to appearances. Australia encourages OHCHR to make arrangements for small States parties that may not have access to adequate video-teleconferencing facilities to make use of such facilities in the OHCHR regional offices where possible.

*Individual communications*

The Australian Government continues to support strengthening individual communications processes. The Australian Government has previously recommended that treaty bodies give consideration to determining the admissibility of communications before requiring a State party’s observations on the merits (‘split decisions’). It also suggested clearer timeframes for treaty bodies’ consideration of communications, limitations on the number of times parties can make additional arguments, and the need to increase efficiency and reduce delays in individual communications processes generally.

Australia notes that some progress has been made. Australia welcomes the information on timeframes and other procedural matters in the 2017 ‘Informal guidance note by the secretariat for the States parties on procedures for the submission and consideration by treaty bodies of individual communications’. It also notes the recent adoption of revised Rules of Procedure of the Human Rights Committee, which specify limited circumstances in which parties may file additional written submissions. The Australian Government welcomes changes consistent with the aims of increasing efficiency and avoiding protraction of the communications process. However, Australia remains concerned about delays in some communications processes, noting recent instances of the Australian Government receiving complainant submissions 1-2 years after they were filed.

The Australian Government reiterates its support for split decisions on admissibility in appropriate cases. Separate and preliminary determinations on admissibility can increase efficiency by avoiding the need for the State party to comment unnecessarily on the merits of claims later found to be inadmissible. Australia considers that transparent and reasoned consideration of the admissibility of an author’s claim is a key procedural element of individual communications processes, and essential to the success of the complaints framework. Australia welcomes recent decisions in which treaty bodies have expressly considered and assessed the admissibility of the communication, and given detailed reasons for a decision on admissibility.