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| Office of the High Commissioner for Human RightsPalais de NationsGeneva Switzerland |   |
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Reply to Questionnaire in relation to General Assembly Resolution 68/268 on Strengthening the Human Rights Treaty Body System

Reference is made to the note from The Office of the High Commissioner for Human Rights (OHCHR) dated 31 January, inviting States to submit replies to a questionnaire in relation to General Assembly resolution 68/268 on “Strengthening and enhancing the effective functioning of the human rights treaty body system”, adopted on 9 April 2014.

Norway sees the work of the treaty bodies as a cornerstone of the international system for monitoring States’ compliance with their human rights obligations, and supports all efforts to increase the efficiency, accessibility and impact of the treaty body system.

We therefore welcome this opportunity to submit comments to OHCHR on the implementation of resolution 68/268, the effectiveness of the measures taken and on further action to strengthen and enhance the effective functioning of the treaty body system. Norway will also actively promote these views in the intergovernmental negotiations in the UN General Assembly in April next year, in line with resolution 68/268 OP 41.

**Comments on the implementation of General Assembly resolution 68/268**

*Provisions addressed to States*

With regard to the Norway’s implementation of the provisions in the above-mentioned resolution, Norway is pleased to convey that the simplified reporting procedure has been used when offered and that the common core document has been updated in 2017. Furthermore, we have continued our established practice to nominate independent experts of high moral standing and with recognized competence and experience in the field of human rights, and that elections of treaty body members have been given our priority based on the criteria in OP13.

Norway has over the last two years been heard in CEDAW (November 2017), CCPR (March 2018), CAT (April 2018), CRC (May 2018), CERD (December 2018) and CRPD (March 2019). In addition to the treaty bodies, Norway is also being subject to a Universal Periodic Review in May 2019. Through these hearings, Norway has gained significant experience that we hope will be useful in the treaty body review.

One of the main experiences from our recent hearings is the positive value of a simplified reporting procedure, a procedure that we have drawn great benefit from. It has allowed us to concentrate our reporting to the relevant and demanded information, leading to what we believe has been a more focused and efficient dialogue in the hearing. It has also proven to be a more resource-effective procedure for our government administration, and we assume committees and their respective secretariats also acknowledge that same benefit. Despite the fact that resolution 68/268 clearly encourages States to utilize this procedure (OP2), it is however, unfortunate that *one* harmonized simplified reporting procedure is not made more readily available for States ahead of its reporting. Instead, there seems to be several varieties of the procedure, with different criteria to whom it qualifies for. We believe there is potential for the procedure to become more *accessible, simplified and comprehensible*.

Another experience is that the time between the reporting and the dialogue with the State can be too long. We believe this severely affects the quality of the interactive dialogue on States’ treaty obligations.

*Provisions addressed to the Secretary-General, OHCHR and the Treaty Bodies*

With regard to the implementation of the provisions addressed to the Secretary-General, OHCHR and the Treaty Bodies in resolution 68/268, Norway is particularly pleased to see progress with reducing backlogs of reports processed by the treaty bodies, better online information and better use of electronic tools, such as databases and webcasting.

Despite the positive steps taken by the Secretary-General, OHCHR and the Treaty Bodies, we nonetheless see that there is room for improvement for fully implementing the operational paragraphs in 68/268. The simplified reporting procedure has already been mentioned in this regard. In addition, there is a lack of harmonization of the treaty bodies’ working methods, something that has led to the respective treaty bodies developing individually and in an organic manner. While we always stress the treaty bodies’ integrity and independence, we do not see this unsustainable development in anyone’s interest. It is our view that stronger leadership and coordination from OHCHR is needed.

In conclusion, we recognize the significant results resulting from the implementation of resolution 68/268, and we support the provisions as the correct measures in order to address the numerous challenges for the treaty bodies to function effectively. Nevertheless, we believe stronger leadership and coordination efforts are essential to fulfil the remaining room for more effective implementation of the provisions of 68/268.

**Comments on the state of the human rights treaty body system, of the effectiveness of the measures taken in order to ensure their sustainability, and, on any further action to strengthen and enhance the effective functioning of the human rights treaty body system.**

Norway is pleased to see that resolution 68/268 has already contributed to strengthening and enhancing the effective functioning of the human rights treaty body system. Harmonisation, simplification, prioritisation, predictability and inclusiveness should serve as ambitions when implementing the provisions of 68/268 and to guide further action needed to improve the human rights treaty body system.

More specifically, Norway proposes the following further action to be included in OHCHR’s input to the Secretary General’s comprehensive report on the status of the human rights treaty body system:

1. **Intensify efforts to harmonise the treaty bodies’ rules of procedure and working methods.**

The treaty bodies should intensify their efforts to harmonise their rules of procedure and working methods as far as possible within the framework of the treaties, based on best practices. Norway acknowledges that a harmonisation of the treaty bodies won’t happen automatically. We therefore strongly encourage OHCHR to identify ways and modalities that will lead to a stronger coordination and guiding of the treaty bodies system towards harmonisation, but without compromising the integrity of the treaty bodies as such.

1. **Establish a coordinated review cycle calendar for all the treaty bodies**

OHCHR should guide the treaty bodies with the aim of establishing review cycles within which all States parties are reviewed according to a multi-annual calendar with national report deadlines and treaty body sessions, based on the Universal Periodic Review system. The dialogue meetings between the State party and the respective treaty bodies should take place shortly after the national report has been submitted. The treaty bodies should also offer all States parties the possibility to submit joint reports to two or several TBs, and clustered reviews if possible. Coordinated and clustered reviews should also aim to reduce duplications of recommendations and the risk of inconsistency and fragmentation of the concluding observations, and to avoid that a State is being heard in several treaty bodies in a short span of time. Non-reporting states should also be invited to dialogue meetings with the treaty bodies.

1. **Implement Simplified Reporting Procedure as normal practice**

The treaty bodies, with OHCHR as coordinating instance, should implement the Simplified Reporting Procedure which should be established as normal practice as soon as possible. All treaty bodies should have the same procedure, which should be *accessible, simplified and comprehensible.*

1. **Strengthen Individual Communications Case Management**

Acknowledging the Petitions Unit’s scarce resource situation and that there is a significant backlog, it is also Norway’s view that the case management system for individual communications should be strengthened. OHCHR should therefore, in dialogue with the treaty bodies, adopt a priority policy for the most urgent and important cases (see European Court of Human Rights “fast track” procedure). Furthermore, a standardized set of rules on admissibility criteria should be developed to avoid cases being sent to States that are not admissible.

1. **Establish a unified and formal system for general comments**

There should be established a routine for notifying States when drafts for general comments are being written. Today’s procedure seems somewhat unclear and there is a risk that a State might miss a deadline for commenting on a draft general comment because they were not notified. It should also be clearer when the treaty body, in a general comment, pronounces upon an international legal obligation and when it gives policy advice. Furthermore, and in relation to the above-mentioned backlog of individual complaints, treaty bodies should continuously consider prioritizing reduction of their backlog of individual complaints, rather than embarking on new general comments.

We would like to take this opportunity to reaffirm our commitments to human rights. We emphasize that the treaty body system’s integrity and independence must be defended in all circumstances, and that it is essential that this is assured throughout the upcoming review.

We thank you for the opportunity to offer our input towards the report by the Secretary General under GA. Res. 68/268.

Yours sincerely,

Hilde Klemetsdal

Director

Section for Human Rights, Democracy and Gender Equality

Ministry of Foreign Affairs

Sean Lobo

First Secretary
Permanent Mission of Norway to the UN

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