**Strengthening and enhancing the effective functioning of the human rights treaty body system (implementation of General Assembly Resolution 68/268, of 2014)**

As a State party to eight of the United Nations core human rights treaties and all their optional protocols, Portugal attaches the utmost importance to the work of the United Nations human rights treaty bodies, as fundamental tools to help States’ efforts to fulfil the obligations undertaken under each treaty. We are fully committed to the ongoing efforts to strengthen and enhance the effectiveness of the treaty body system and reiterate our commitment to support, inter alia, the treaty bodies by upholding their independence and efficiency, which are essential for ensuring the implementation by States of their human rights obligations.

**1. Harmonization of working methods**

**1.1. In general**

Portugal welcomes the efforts made by the treaty bodies within their respective treaties and mandates. There are examples of good practices in harmonizing working methods and in reducing the differences in procedural aspects so as to make the system more predictable and transparent for States, NGOs and other stakeholders. Further efforts can certainly be made since harmonization is an on-going effort. In this context, we would continue to support the drafting of joint general comments and statements with the input of various treaty bodies as a way to strengthen their content and reaffirm the indivisibility and interdependence of all human rights.

**1.2. Simplified Reporting Procedure**

Like other States parties to human rights treaties, Portugal welcomes the possibility of using the simplified reporting procedure on a voluntary basis and when adequate. It decreases the burden on national authorities in the preparatory process of the report since it requires only one report without the State having to reply to a further list of issues.

In the case of treaty bodies that have successfully dealt with their backlog, the time period between the submission of the state report and the interactive dialogue with the respective treaty body has decreased considerably, thereby lessening the need for an update in the form of replies to the lists of issues which are no longer translated and, therefore, not easily available to all treaty body members.

The simplified reporting procedure also has the potential to focus the dialogue on recurrent or priority issues thereby contributing to more focused concluding observations which in turn provide the opportunity to strengthen human rights protection on the ground as well as a more effective basis for the next dialogue.

However, we would like to call attention to the need to strike a balance between the possibility of a State opting for the simplified reporting procedure and its overall compliance record with its reporting obligations to international human rights treaties. As the use of the simplified reporting procedure by all treaty bodies increases, it is essential to assess its effectiveness in order to ascertain any detrimental effects on the level of human rights protection.

Setting a maximum number of questions for the Lists of Issues prior to Reporting (LOIPR) in the simplified reporting procedure merits further attention.

**2. Common core document**

From the outset, submitting and updating the common core document should be crucial for the process of treaty reporting. The objective of the common core document is to facilitate the implementation of reporting obligations by State parties by reducing repetition and overlap in the information submitted to several treaty bodies. Additionally, it assists the treaty bodies in coordinating their work, avoiding duplication and conflicting interpretations of human rights provisions. It is therefore essential that the common core document be updated, accessible online and that members of the committees are fully familiarized with its content. This will have an impact on the quality of the dialogue between States and the committees by restricting the exchange of views to the specific matters covered by the treaty in question. In fact, if treaty bodies make better use of updated common core documents as the general basis for all the dialogues, this would in turn be an encouragement for States to update the same. We consider that a spill over effect would follow since the content of the concluding observations would be shorter, focused, implementable and reflect the dialogue.

Portugal regularly updates its common core document (last update in 2017).

In our opinion, the simplified reporting procedure, the common core document and the concluding observations should mutually reinforce each other in order to enhance the efficiency and effectiveness of the treaty body system and to encourage a holistic approach to human rights protection.

**3. Coordination and predictability in the reporting process**

Portugal strives to fulfil its reporting obligations in a timely manner and supports the coordination of timetables for reporting to the various committees, with a view to streamline reporting obligations and thus facilitate the task of both States Parties and the treaty bodies.

The human rights treaty body system and States parties to the various treaties would benefit from a more coordinated approach to reporting so as to be able to share the tasks of carrying out the necessary consultations for the drafting of the reports in an organized manner and to distribute the dialogues over a period of time. This is especially true for under resourced States. On the other hand, judging from the experience of the UPR, a more transparent and predictable schedule gives States a clear indication of when their reporting obligations are to be complied with and helps other stakeholders in their preparations as well.

As a means to reduce the backlog in the consideration of periodic reports, we believe that the use of parallel dual chamber meetings should be expanded.

**4. Regular meetings with treaty bodies**

We welcome the possibility of participating in regular meetings with the treaty bodies during their sessions in Geneva. They provide excellent opportunities for an update on the work being carried out.

Meetings with States parties so far have been dedicated to a general exchange regarding the ratification of the treaty and of its complaint mechanisms; capacity building efforts; work in progress, including measures to implement Resolution 68/268; General Comments under preparation; and various procedural issues. We would propose that in future meetings some time be dedicated to thematic discussions on contemporary issues that are relevant for the implementation of the respective treaty. If such themes could be decided before hand and transmitted to the Permanent Missions it would help the States to prepare their contribution and all would benefit from a more informed exchange.

**5. Strengthened protection of rights holders and the role of human rights defenders**

Strengthening the protection of rights holders must be a priority in the treaty body reform process. In this connection, two issues emerge, in our view, as deserving priority attention: the implementation of concluding observations and the role of human rights defenders.

Greater emphasis must be given to following up and monitoring the implementation of recommendations addressed to States in the committees’ concluding observations and views following the examination of individual complaints and inquiry procedures. We favour consolidating all recommendations addressed to each State and focusing monitoring on issues identified as priorities, which should be regularly followed up and reported to, inter alia, the universal periodic review mechanism. The OHCHR can also play a more active role in the implementation process, inter alia by providing technical assistance and establishing partnerships with a view to foster implementation efforts. We also support greater involvement of NGO and national human rights institutions in follow-up activities, as well as an increased use of human rights indicators in this regard.

Portugal strongly condemns all acts of intimidation and reprisals against men and women human rights defenders. We think States, treaty bodies, special procedures and other entities tasked with the elimination of all forms of violence and reprisals against human rights defenders should take all necessary measures to articulate their efforts and look for increasingly determined and effective ways of protecting those who combat human rights violations against themselves and others. In this context, the implementation of the San Jose Guidelines against Intimidation or Reprisals is of crucial importance.

**6. Nomination of national experts**

We underline the paramount importance of ensuring the independence, expertise and high moral standing of members of treaty bodies. When considering candidates for the relevant treaty bodies, the nomination and selection of independent experts with recognized competence and experience in the field of human rights should be privileged. Additionally, experience from the judiciary could be viewed as an asset. Factors such as as equitable geographical distribution, gender balance and the presence of experts with disabilities in the membership of treaty bodies, as well as the need for transparency in election procedures must also be taken into account. In this connection, the possibility of developing guidelines or good practices on the eligibility and independence of the experts should be further explored.

Last but not least, we consider that the Addis Ababa Guidelines on the independence and impartiality of members of the human rights treaty bodies is pivotal for the performance of their duties and responsibilities.

**7. Strengthening the role of the chairpersons of the treaty bodies**

We believe that much is to be gained from further strengthening the role of Chairs of the human rights treaty bodies and the cooperation between committees. Since 1995, date of the adoption of Resolution A/RES/49/178, the demands and complexity of the UN human rights treaty body system have increased exponentially.

We would like to highlight the crucial role of the chairpersons of human rights treaty bodies in further aligning working methods and enhancing the efficiency and effectiveness of the system. We support their stated readiness to contribute to the review process with a view to ensuring a treaty body-oriented position.

The documents by the Secretariat on identifying progress achieved in aligning working methods and practices of the treaty bodies (HRI/MC/2018/3) and the one on procedures of the human rights treaty bodies for following up on concluding observations, decisions and views (HRI/MC/2018/4) prepared for consideration of the latest meeting of the Chairpersons held between 29 May-1 June 2018, contain well-founded proposals to improve the efficiency and effectiveness of the treaty body system. We would like to endorse some of the proposals of document HRI/MC/2018/4, *inter alia*, the number of recommendations for follow-up, the type of recommendations targeted for follow-up and the establishment of assessment criteria in respect of the information provided by States.

**8. Capacity building and technical assistance**

The aim of capacity-building on human rights is threefold: it helps governments to meet their obligations, it contributes to decrease human rights violations and enhances access to justice for victims and their families.

In respect of States in particular, it is our view that even those with stable political institutions, a high standard of human rights compliance and a good level of economic development face difficulties. Keeping pace with all the human rights reporting obligations is demanding due to the number of core international human rights treaties and the universal periodic review.

Therefore, when considering ways to build capacity, the development of online resources aimed at duty-bearers (government officials, including police officers, judiciary, prosecutors, etc.) involved in the reporting and implementation process would be very helpful. Resources could include handbooks on the reporting procedure, with key concepts and best practices in simple language.

**9. National Mechanisms for Reporting and Follow-up**

In the national context, we would like to highlight the role played by the National Committee for Human Rights as a mechanism for reporting and follow-up which has enabled a much more effective coordination between all the line Ministries involved in the reporting processes to the various treaty bodies. In addition to full compliance with our reporting obligations to the treaty bodies and to the UPR, we have also been able to ensure a more systematic follow-up to the concluding observations, thereby strengthening the protection of human rights.

In conclusion:

The treaty body system is the foundation of all other human rights mechanisms. In spite of the many challenges, it continues to be valued as an independent monitoring system promoting the full implementation of the various treaties that Member States adopted in the last decade to increase the level of protection of various groups.

Portugal shares the view that the 2020 review process is a good opportunity to take stock of what has been achieved in the implementation of Resolution 68/268 by the different stakeholders of the treaty body system but also to reconsider other aspects that have been identified in the reports of the Secretary General on the status of the human rights treaty body system presented to the General assembly in 2016 and 2018[[1]](#footnote-1), in the follow-up to the above-mentioned Resolution. Both reports provide qualitative and quantitative information on achievements in increasing the efficiency and effectiveness of the system and remaining gaps. But as referred to in the 2018 report, Resolution 68/268 “was not designed to address all the challenges of the treaty body system (...) nor did it suggest a lasting solution to the issues the system faces (...)”.

An inclusive and transparent process for assessing what further measures can be taken to strengthen the system and the promotion and enjoyment of human rights with the participation of States, National Human Rights Institutions, civil society organizations, treaty bodies themselves, the Office of the High Commissioner for Human Rights and other interested parties can pave the way for a sound review in 2020.

Portugal remains committed to contributing to this process.

1 March 2019

1. A/71/118, of 18 July 2016 and A/73/309, of 6 August 2018 [↑](#footnote-ref-1)