**Civil Society Submission by the Jacob Blaustein Institute for the Advancement of Human Rights (JBI)**

**Recommendations Concerning the Second Biennial Report of the UN Secretary General on the Status of the Human Rights Treaty Body System**

February 1, 2018

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI) respectfully submits the following suggestions concerning the second biennial report of the UN Secretary-General on the status of the human rights treaty body system, to be prepared for consideration by the UN General Assembly (UNGA) at its 73rd session in 2018.

1. **The Office of the High Commissioner for Human Rights (OHCHR), in consultation with each of the treaty bodies, should prepare a comprehensive timeline for each treaty body reflecting the working methods changes they have adopted over the last decade, and present this information (by treaty body) for inclusion in the Secretary-General’s second biennial report on the status of the treaty body system. This will more fully convey the reality that each of the treaty bodies has been changing and improving its working methods in recent years.**

UNGA resolution 68/268, adopted in April 2014, requests the Secretary-General to submit to the UNGA on a biennial basis, “a comprehensive report on the status of the human rights treaty body

system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work” (para. 40).

The Secretary-General’s first biennial report on the implementation of UNGA resolution 68/268, published in August 2016 (UN Doc. A/71/118), provides a great deal of information about the operation of the treaty body system. Yet the report, on page 13 (and in annexes XIV, XV, XVI and XVII to the report), is framed to emphasize only the varying degrees of progress made by the treaty bodies towards harmonizing their working methods. In our view, presenting the treaty bodies working changes in this manner does not provide a full picture of the many working methods changes that each of the treaty bodies has already made, either individually or in the context of coordinated efforts with other treaty bodies, to enhance their effectiveness and the efficiency of their work.

1. **In advance of the publication of the Secretary-General’s report, OHCHR should discuss with each of the treaty bodies the possibility of enhancing coordination and predictability in the reporting process, including the possibility of treaty bodies refraining from scheduling the review of a State that is already reporting to two other treaty bodies in a given calendar year, as well as the possibility of one or more treaty bodies piloting a reporting calendar.**

In UNGA resolution 68/268, Member States particularly encouraged the treaty bodies to pursue changes to several of their working methods, recommending that they: “offer to States parties for their consideration the simplified reporting procedure,” “elaborate…an aligned methodology for their constructive dialogue with the States parties,” and “develop common guidelines for the elaboration of …concluding observations.” Many of the treaty bodies have considered making changes to their working methods since 2014 in a manner that demonstrates responsiveness to these concerns. Similarly, several of the treaty bodies are continuing to explore further working methods changes. All of these should be reflected in the Secretary-General’s report.

To date, however, the treaty bodies and OHCHR have not responded similarly to resolution 68/268’s further recommendation that the treaty bodies and OHCHR should “continue to work to increase coordination and predictability in the reporting process…with the aim of achieving a clear and regularized schedule for reporting by States parties.” While the treaty bodies’ capacities are necessarily limited in this area, each of the treaty bodies could do more to review and refer to one another’s existing schedules when scheduling their own review of periodic reports. This could ensure that no Member State is asked to engage in a constructive dialogue with more than two treaty bodies in the course of any calendar year. Moreover, individual treaty bodies could, with OHCHR’s assistance, endeavor to pilot a “calendar” for reporting that would significantly increase the predictability of the reporting process for Member States of that treaty.

1. **The Secretary-General’s second biennial report on the status of the treaty body system should clearly state and reflect the principle that any future UNGA reform effort should maintain the treaty bodies’ independence, including their competence to determine their own working methods. The Secretary-General should first consult with the treaty bodies prior to including any specific recommendations regarding further reform of the treaty bodies’ operation or working methods in the report.**

In recent months, a number of stakeholders have undertaken efforts to formulate new proposals for reform of the treaty bodies that would improve their efficiency and effectiveness. The Secretary-General could make a particularly valuable contribution to future UNGA discussions about the treaty bodies by weighing in on these proposals in the next biennial report on the treaty body system. In doing so, the Secretary-General should, as a matter of priority, reaffirm that the independence of the human rights treaty bodies is an essential characteristic that must be preserved and safeguarded in the course of any reform effort, and moreover, that the independence of the treaty bodies includes the ability of each of the treaty bodies to determine its own working methods. By recalling the different legal competencies of each of the stakeholders to the treaty body system, the Secretary-General’s report would provide important guidance to Member States as they prepare to respond to UNGA resolution 68/268’s call for Member States to “review the effectiveness of the measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system” no later than 2020.