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ქვეყნის პარლამენტის მდივანთა განყოფილება
 საერთაშორისო ურთიერთობების განყოფილება
 საქართველოს მუდმივი წარმომადგენლობა

MISSION PERMANENTE DE LA GEORGIE AUPRES
 DE L'OFFICE DES NATIONS UNIES ET DES
 AUTRES ORGANISATIONS INTERNATIONALES A GENEVE

№ 11/8...02...

23.11.2012

Dear Mr. Salama,

As I noted during our meeting of 17 November 2011 and during the 16 January 2012 Ambassadorial breakfast dedicated to the Treaty Bodies Strengthening process, the Government of Georgia has engaged in a thorough examination of the proposals made thus far in the consultations and developed its proposals on ways to improve the efficiency and effectiveness of the UN treaty body system. Please find attached for your consideration the document outlining the proposals of the Government in Georgia.

As I stressed during the Ambassadorial breakfast referenced above, as well as in consultations with all partners, the Government of Georgia is grateful for the transparent and inclusive approach that the Office of the High Commissioner for Human Rights, and you personally, have taken in the treaty body strengthening process. The Government of Georgia is convinced that it is precisely through such a collaborative effort that the most meaningful and creative answers can be found to questions we have all raised about ways to solidify the UN treaty body system.

Georgia is strongly committed to the constructive dialogue that has taken place on this subject and looks forward to continuing its engagement in the process.

Please, accept dear Mr. Salama, the assurances of my highest consideration.

Enclosure: four pages

Yours sincerely

Zurab TCHIABERASHVILI
 Ambassador, Permanent Representative

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**Proposals of the Government of Georgia
On Ways to
Enhance the Efficiency, Effectiveness and Impact of
the UN Treaty Body System**

The present document represents the written proposals of the Government of Georgia regarding the UN human rights treaty body strengthening process as evolved through several rounds of informal consultations (including Dublin, Marrakesh, Poznan, Sion, Seoul, Pretoria, Bristol and Luzern), the Inter-Committee Meeting and Meeting of Chairpersons, as well as other proposals having emerged through the process.

In its essence, the UN treaty body system represents a unique mechanism allowing an in-depth and independent assessment of the human rights situation of member states and the development of country-specific recommendations that seek to address existing challenges, improve concrete human rights situations and enhance the long-term development of a stronger international as well as national protection frameworks of a given country.

These far-reaching objectives demand that the UN treaty body system be both efficient in delivering its work and effective in formulating informed, sound and implementable recommendations. As has been noted during the consultations, however, over the past several decades, the capacity of the system has been stretched to its limits due to various reasons, including, inadequate resources and the significant increase in the number of treaty bodies. These and other challenges taxing the system must be overcome to ensure that the treaty bodies maintain their crucial role at the vanguard of international human rights. It is with this objective in mind that the following proposals have been formulated.

I. Harmonization of the Treaty Body Procedures

The Government of Georgia considers that enhanced coordination of working methods and modalities involving both member state reporting and individual communications among the treaty bodies would greatly contribute to the efficiency and effectiveness of the system. It would provide common ground for both the identification of human rights challenges and the crystallization of best practices.

II. Collaboration with Other Human Rights Mechanisms

Human Rights Council's Special Procedures

Treaty bodies should work more closely with the mandate holders of the Human Rights Council's Special Procedures. More systematized two-way communication channels should be established allowing better use of the findings and recommendations of Special Procedures by the treaty bodies in their deliberation as well as the injection of treaty body recommendations into the

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decision-making of Special Procedures, when identifying and planning country visits and drafting post-visit reports. The systematic sharing of priority issues in relation to country-specific and thematic situations between the treaty bodies and Special Procedures is critical.

Universal Periodic Review (UPR)

The UPR mechanism can be used more efficiently to contribute to the overall goals of the treaty bodies. During the UPR review, States could be encouraged to give increased attention to treaty body Concluding Observations. Reference could be made to specific treaty body recommendations that would complement or enhance a given UPR recommendation. This complementarity would serve to heighten expertise and attention on commonly identified human rights challenges by the UPR mechanism and the treaty body system. Such coordination would in itself serve as an additional pressure point for states to rise to their human rights obligations in good faith. This coordination is hinged upon better information sharing between the treaty bodies and the UPR mechanism. Procedures should be put in place that will ensure regular exchange of information between the UPR and the treaty bodies.

Office of the High Commissioner for Human Rights (through OHCHR country teams)

The OHCHR should play a key role in the follow-up to the treaty body recommendations. In this regard, OHCHR country teams are vitally important in facilitating local, as well as regional/interregional processes aimed at the implementation of recommendations of the treaty bodies. Such activities could include round-table discussions, panels or conferences among all relevant human rights stakeholders, including regional/interregional discussions, allowing cross-country information exchange and problem-solving. In engaging in a close dialogue with the States, given their proximity to the reality on the ground and awareness of the context within which each human rights challenge is embedded for a given country, OHCHR country teams can be critically important in the development of concrete steps that a country can adopt to address and effectively implement treaty body recommendations.

III. Enhancing Preparation of State Parties' Reports and Constructive Dialogue

List of Issues Prior to Reporting

Georgia considers that LOIPR (adopted by the Committee against Torture (2007), the Human Rights Committee (2010) and the Committee of Migrant Workers (2011) can play an important role in enhancing the preparation of reports and a more structured dialogue with States parties.

Additionally, more focused and shorter LOIPR and advanced questions may result in more precise and efficient Concluding Observations without jeopardizing the quality of those Concluding Observations or the exercise of the monitoring mandate of the respective treaty body.

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Preparation for the Dialogue

Georgia considers that several days prior to the dialogue, treaty bodies should provide states with their questions to allow for better preparation and enhance the quality of the dialogue.

Structured and Time-Bound Dialogue Sessions

Common practices should be adopted to manage time efficiently during session meetings, including by ensuring a balanced exchange between treaty body members and the State delegation. Shorter time limits for treaty body and State interventions might be introduced, subject to the requirements of a constructive, meaningful dialogue.

Concluding Observations

Treaty Bodies should ensure that Concluding Observations are country-specific and targeted. Each treaty body should classify recommendations into short- and long-term categories to aid in their implementation. Treaty Bodies should reduce the length of their Concluding Observations in order to achieve greater efficiency and impact.

Treaty Bodies should, to the largest extent possible, use cross-referencing and reinforcement of the recommendations of other treaty bodies and other UN human rights mechanisms.

Importance of the Core Document

In a system where UPR, Treaty Bodies and Special Procedures work hand in hand in a well-coordinated fashion, the common core documents will indeed constitute the backbone of the entire reporting process. The Core Document should be duly updated on a regular basis to ensure its applicability at any given moment.

Follow-up Procedures

Georgia considers that the practice introduced by the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women introducing formal procedures to monitor more closely the implementation of specific concluding observations in between two reporting cycles can further contribute to the effective implementation of treaty body recommendations.

IV. Coordinated Calendar

The consideration of State reports by the treaty bodies could be sequenced more effectively, both in relation to other treaty bodies and in relation to the UPR, while taking into account State party report submission due dates, as established under each treaty and assuming hundred percent

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compliance. The OHCHR should play a paramount role in this process and should coordinate a comprehensive reporting calendar. The establishment of a predictable treaty body reporting cycle synchronized with the UPR is a pre-requisite of any meaningful system strengthening. Such enhanced sequencing will also ensure that more updated information is available both in the context of the treaty body system and the UPR at any given moment than the current system allows.

V. Eligibility of Members of Treaty Bodies

The independence of treaty body members is a starting point that ensures effective implementation of their mandates. In this regard, one of the corner stones of the treaty body strengthening process must be the adoption of a document providing guidelines on the eligibility and independence of treaty body members.

The Government of Georgia considers that more attention should be paid to the qualifications of each candidate while undertaking nomination procedures in order to select best candidates. At the same time, member states should select candidates giving consideration to gender, geography, professional fields and legal systems in determining the final composition.

VI. Other

The following additional proposals that have been raised at various stages of the strengthening process deserve thorough consideration:

- Aligned interaction of treaty bodies with States parties, national human rights (NHRIs) institutions and civil society organizations;
- Inclusive national consultations as part of the State report preparation;
- Actions of States parties to implement treaty bodies' recommendations;
- Enhanced linkages with other UN entities and other international and regional actors at both drafting and implementation phases.