

No. 52101/112



PERMANENT MISSION OF THAILAND  
GENEVA

15 February 2012

Dear Madame High Commissioner,

Upon assumption as the new Permanent Representative of Thailand to the United Nations Office at Geneva, I wish to reaffirm our commitment to strengthening the cooperation with your Office in promotion and protection of human rights. A significant part of our commitment is to implement the obligations under international human rights instruments to which Thailand is party. We are therefore supportive of any initiative to strengthen the treaty body system.

In this regard, we highly appreciate your efforts in seeking views of all stakeholders in the treaty body strengthening process. Our delegation participated actively in the consultation held last week in Geneva and looks forward to the upcoming consultation in New York. I also take this opportunity to forward herewith suggestions from the Royal Thai Government in response to your letter dated 14 November 2011 inviting suggestions from States to enhance the efficiency, effectiveness and impact of the treaty body system. These points were raised during the consultation last week as well. It would be much appreciated if these views can be posted on the website of your Office as part of inputs from States and also be included in your compilation of suggestions.

Lastly, I look forward to further engagement between the Permanent Mission of Thailand and your Office in the future.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'P. Chanvitan'.

(Pisanu Chanvitan)  
Ambassador  
Permanent Representative

H.E. Madame Navanethem Pillay,  
United Nations High Commissioner for Human Rights,  
Office of the United Nations High Commissioner for Human Rights,  
Palais des Nations,  
1211 GENEVA.

Enclosure.

**Inputs by the Royal Thai Government  
Consultation on the Treaty Body Strengthening Process  
by the United Nations High Commissioner for Human Rights  
7 – 8 February 2012  
Geneva**

Thailand regards the Treaty Body system as constituting one of the most important mechanisms for the promotion and protection of human rights worldwide. Thailand strongly supports the work of the Treaty Bodies and believes that, in general, the Treaty Bodies have been carrying out valuable work in enhancing human rights promotion and protection through the monitoring of States' compliance with their international human rights obligations and the consideration of communications from individuals. Treaty Bodies have also contributed to the progressive development of international law through their general comments and jurisprudence.

The challenges faced by the Treaty Body system are well-known. Thailand commends the efforts made so far by the Treaty Bodies to address those challenges. We also welcome the consultation process led by the United Nations High Commissioner for Human Rights on this important matter, and highly appreciate the inclusive and transparent manner in which she has conducted this process to date.

Thailand would like to express its appreciation for the clarification provided by the High Commissioner on the consultation process through various briefings and notes to States. We also thank her for the Non-exhaustive list of emerging proposals which we found very informative.

Thailand would like to provide comments on the strengthening of the Treaty Body system as follows:

**1. Treaty Body “strengthening” or “reform”?**

Thailand believes that the Treaty Body System has done good work so far although further improvement is needed to enhance their effectiveness. Therefore, we do not wish to reinvent the wheel and would like to stress our readiness to engage in the strengthening of the Treaty Bodies and not the reform of the Treaty Body system as a whole.

**2. Membership of Treaty Bodies**

The strength and efficiency of the Treaty Bodies is very much determined by their members. Thailand supports the strengthening of the nomination process at the national level. States Parties should prepare their candidates by ensuring that they are fully informed of what is required of them as members of Treaty Bodies and the workload to be expected. Thailand agrees that members of Treaty Bodies should serve a maximum of two consecutive terms and diplomats and Government officials should not be eligible for nomination as members of the Treaty Bodies. This is in order to preserve the transparency and independence of the system as well as the professionalism and expertise of members of Treaty Bodies. Therefore, in electing

members of the Treaty Bodies, the expertise of the candidates should be the highest priority.

### **3. Resources**

Taking into consideration that the work of the Treaty Bodies constitutes part of the core work of the United Nations, Thailand agrees with the OHCHR that it should be primarily funded from the regular budget of the organization. In this regard, the OHCHR should give high priority to the Treaty Body system when formulating its biennium budget proposal and in the allocation of its budget.

Thailand agrees that the use of existing resources by the OHCHR and the Treaty Bodies should be fully maximized. However, this should not rule out the possibility that additional resources may be required in order to enhance the efficiency of and strengthen the Treaty Body system as a whole.

As a cost saving measure, Thailand would encourage Treaty Bodies to consider holding their sessions solely in Geneva, taking into consideration that the OHCHR, secretariat of the Treaty Body system, is based in Geneva. The proposal to organize sessions at the regional level in order to bring Treaty Bodies' work closer to the implementation level, though interesting, may not be a cost-effective option at the present time. In this regard, the use of ICT, especially webcasting may be explored in order to raise the visibility of the Treaty Bodies worldwide and bring them closer to the rights holders.

### **4. Treaty Bodies' Schedules and Working Methods**

Thailand appreciates efforts by the Treaty Body system so far to harmonize their working methods. We support good coordination among the Treaty Bodies but would like to seek clarification on the necessity of having both the Inter-Committee Meeting and the Meeting of Chairpersons. If possible, we would also encourage Treaty Bodies to explore to possibility of shortening the meeting time of these mechanisms as another cost-saving option. Thailand is also somewhat skeptical about holding Inter-Committee meetings and Meetings of Chairpersons at the regional level in this climate of resource constraints. We would appreciate more information regarding the costs of holding such meetings at the regional level in comparison to holding them in Geneva. It should also be emphasized that activities to raise public awareness of the work of Treaty Bodies at the regional level may also be carried out through the OHCHR regional offices.

Thailand supports the alignment of the Treaty Bodies' schedules, which would assist States Parties in the preparation of the presentation of their reports to various Treaty Bodies. *(Thailand once experienced a situation where the schedules for the presentation of its reports to the CEDAW Committee in New York and the CRC Committee in Geneva conflicted. This is particularly difficult considering that the same internal agency was responsible for both the Conventions.)*

## **5. Documentation**

As conference servicing, in particular documentation, is the most costly element of the Secretariat resources supporting the Treaty Body system, Thailand encourages the adoption of the English language as the standard language for all documentation. However, States may reserve the right to submit reports in other UN languages, which should be translated into the English language only. Treaty Bodies could be encouraged to discuss and adopt working languages, which would include English and one other UN official language.

In the preparation and submission of their reports, States Parties should be encouraged to strictly observe the page limitation as set out in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3). This should be strictly enforced by the Secretariat, whereby reports that exceed the specified page limitation should be returned to the States Parties for alteration. Reminders on this matter should be sent to the States Parties on a periodical basis, especially when the deadline for submission of their report is approaching. To be more precise, it may be useful to set word limitations (instead of only page limitations) on both State reports and replies to the list of issues prior to reporting.

Treaty Bodies should also limit the length of their concluding observations by placing a clear focus on the issues raised and prioritizing issues that require urgent attention and action on the part of the States Parties. Apart from saving costs, clear and concise concluding observations would also help States Parties in their implementation of the said observations.

## **6. List of issues prior to reporting (LOIPR)**

Thailand sees potential value of the LOIPR procedure which has already been used by certain Treaty Bodies. First, the LOIPR serves to combine reports by States Parties with their written replies, thereby reducing the workload of the States Parties. Second, the targeted approach adopted by the LOIPR procedure should help focus the dialogue between the Treaty Bodies and the States, thereby enhancing the quality of the dialogue and its outcome. In this regard, it is expected that the LOIPR procedure should help ensure a more targeted Concluding Observations.

However, the LOIPR procedure should focus on pertinent thematic issues in a particular State Party and should avoid focusing on specific human rights cases, which are already dealt with by the individual complaint procedure and the Special Procedures.

Thailand looks forward to the assessment by the Treaty Bodies that have embarked on this procedure. Taking into account the urgency of strengthening the Treaty Body system, an interim assessment may be submitted, with a view to encouraging other Treaty Bodies to adopt the LOIPR on a trial basis pending a full scale assessment.

## **7. Common core document**

Thailand agrees that the common core document is the backbone of the reporting process, which should be regularly updated by States Parties, especially prior to their reports being considered by a Treaty Body. We believe that the use of the common core document along with the LOIPR procedure would help streamline the reporting process by reducing the workload for both the States Parties and the Treaty Bodies. It should also help make the reporting process more focused, with the attention being appropriately placed on pertinent issues only.

## **8. Dialogue between States Parties and Treaty Bodies**

An up-to-date common core document along with a concise thematic report or LOIPR procedure should go some way to enhance the quality of dialogue between States Parties and Treaty Bodies. However, more focused and coordinated interventions by members of the Treaty Bodies would also contribute to a more constructive dialogue. A situation where a large number of questions are posed by members of the Treaty Bodies to the States Parties does not make for a fruitful and in-depth discussion considering the time limitation placed on the dialogue. Due to this limitation, States Parties are likely to be unable to clarify all the points raised, which may be negatively reflected in the Concluding Observations.

Thailand is willing to explore the proposal for the Treaty Bodies to provide the lists of questions to the State Party at least 24 hours prior to the dialogue so that the States Party would be better prepared for such dialogue. If this option is proven to be feasible, then, we would also be willing to explore the possibility of shortening the time for the dialogue as another cost-saving measure. However, these proposals should not undermine the interactive nature of the dialogue and the core aim of the dialogue which is to encourage States Parties to better promote and protect human rights through enhancing their compliance with international human rights obligations.

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