# Submission of Canada

# Office of the High Commission for Human Rights Consultation on Strengthening the United Nations Treaty Bodies

Canada is committed to the principles of the UN treaty body system and in particular to the central role played by the treaty bodies in interpreting and monitoring human rights standards. Canada is therefore pleased to contribute to the ongoing treaty body strengthening process and to provide comments on the non-exhaustive list of proposals collected by the Office of the High Commissioner for Human Rights.

Canada has a strong track record in relation to the promotion and protection of human rights around the world. Canada has been a champion for the international system for the protection and promotion of human rights since its inception in the Universal Declaration of Human Rights. Canada is party to seven core international human rights instruments and has extended an open invitation to all UN Special Procedures.

As noted by the Report of the Secretary General (A/66/344), there have been increased demands on the treaty body system due to several factors including: enhanced ratification of the relevant treaties, increased reporting by state parties, and the creation of new treaty bodies. Canada sees tremendous value in an effective treaty body system that forms an integral part of a robust international human rights monitoring and implementation system.

In the current fiscal environment of constricting funds across the UN system, the challenge is to identify practical ways and means to overcome the system’s shortcomings that do not require an increase in resources. Canada is of the strong view that, in the short term, finding ways and means of saving resources that can be reinvested into the system should be the focus of this effort. Canada will continue to work with interested states parties, the United Nations High Commissioner for Human Rights (HCHR) and the treaty bodies themselves in order to achieve this objective.

Canada welcomes the on-going efforts of various treaty bodies to increase the efficiency and effectiveness of their work within their current working methods. Canada supports these efforts and is of the view that more can be done to harmonize information, interactions with states parties and civil society, and the treaty bodies’ outputs to achieve even greater efficacy with the same level of resources.

Practical cost-neutral reforms that can be instituted by the treaty bodies themselves, working both separately and in a co-ordinated fashion with the assistance of the Secretariat, and which will have a lasting positive impact on the functioning of these bodies in the future, should be the focus of current efforts to strengthen the system. Proposals that require a significant amount of additional funds, such as requests for additional meeting time, additional treaty body visits, and establishing new institutions are not feasible given the current fiscal realities.

Canada is also cognizant of the resource commitment that is required of states to prepare for, participate in and follow-up on the reporting obligations under various treaties. This is especially so for states that have ratified most or all of the nine core UN human rights treaties. State participation in complaints mechanisms and inquiries adds an additional significant requirement of time and other resources by states to respond. Efforts to streamline and standardize procedures and, even more importantly, to reduce duplication and redundancies should be fast-tracked.

Overall, treaty body reforms should be considered in the context of the larger question of the rationalization of the UN human rights system as a whole, which includes not only treaty bodies but also special procedures as well as mechanisms such as the Universal Periodic Review and the Human Rights Council Working Group on Complaints.

Canada would like to highlight the following specific proposals:

**Strengthening the preparation of States Parties’ Reports**

- List of issues prior to reporting: This would help to streamline the reporting process, both for states and treaty bodies. While Canada does not yet have any experience with this procedure, it seems promising as a way for treaty bodies to prioritize issues of concern and bring a sharper focus to states’ reports and the constructive dialogue.

- Harmonize reporting and constructive dialogue procedures among the treaty bodies, to the extent possible: While this proposal is not on the non-exhaustive list, it is a practical recommendation that would help states to comply more easily with these procedures.

- Use of and regular updates to common core documents: This will help to streamline periodic reports and again allow treaty bodies to focus on issues of most pressing concern when reviewing periodic reports.

**Follow-up to treaty bodies outputs**

Canada is of the strong view that each state is best placed to determine its own internal processes on how to implement their treaty obligations and respond to treaty body recommendations. Proposals that attempt to prescribe certain mechanisms across all states may not be the best alternative for every state. Given the federal nature of some states, such as Canada, developing national action plans as follow-up to concluding observations, for example, would be particularly challenging and not something that Canada could support in all cases.

- More focused and shorter Concluding Observations: A focus on the most urgent concerns could enhance domestic implementation, by assisting states in prioritizing issues and by facilitating monitoring by the treaty bodies, NHRIs, civil society and other states. This would also contribute to an enhanced UPR process (as mentioned in the recommendation on “Complementarity with the UPR”, which Canada supports).

- Complementarity with the UPR and strengthened cooperation with the Special Procedures: There is a good deal of overlap between some of the issues that are considered by the treaty bodies and the special procedures. Finding a way to exploit the synergies of these two mechanisms to reduce overlap for all concerned would be a positive development. Canada supports the continuation of regular meetings of treaty body chairpersons as a way to share best practices about increasing effectiveness, and reducing workloads.

- Follow-up during the reporting cycle: Canada suggests that treaty bodies should request interim reports only sparingly, given the added burden it places on states and the treaty bodies themselves. The urgency of the issue could be one criterion treaty bodies could consider when determining when to request an interim report.

The specific proposals set out above do not represent the entire suite of initiatives that Canada is willing to support or may have concerns about. Canada is open to cost-neutral initiatives that: enhance effectiveness; reduce duplication and redundancies in the system; acknowledge and address the large resource demands on states to discharge their obligations under the relevant treaties; and which will have a positive effect on the protection and promotion of human rights at the national level.

Canada looks forward to future opportunities to engage on this important issue.

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