



№ 568

Geneva, // October 2011

Excellency,

I am writing to you with a view to clarify some aspects of the standpoint of the Russian Federation with regard to the treaty body strengthening process.

Russia supports activities of treaty bodies and is committed to cooperation with them. We consider Committees to be one of the core elements of promotion and protection of human rights worldwide. We share the perception that there is a need to improve and strengthen the system of treaty bodies and very much appreciate respective efforts, taken by the OHCHR to that end, as well as your personal commitment to this course.

However to our great regret in a recently distributed OHCHR's non-paper titled "Non-exhaustive list of emerging proposals identified so far in the context of the treaty body strengthening informal consultations..." some of our acute concerns, expressed, in particular, at the consultations in Sion, are not always properly reflected. In this connection we kindly ask you to amend the non-paper with the following.

Today's crisis of the treaty bodies is of a systemic nature and is not only caused by such impartial reasons as growing membership in treaties and number of communications and reports to the Committees. The current situation is also a direct consequence of that treaty bodies assume additional responsibilities not envisaged in the relevant international treaties. This includes taking arbitrary monitoring and preventive capacities by, in particular, conducting fact-finding investigations and developing early warning indicators. Performing these voluntary duties, by the
OHCHR REGISTRY

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Committees detriment their ability to fulfill mandatory functions, leads to backlog of reports and is time and resource consuming.

We can not support suggestions from the treaty bodies on some new forms of their work (regional sessions, country visits instead of a dialogue with a delegation of a state party, etc). Their implementation is likely to entail changes in treaties and will require supplementary recourses from the UN budget. Such issues do not lie only within the competence of treaty bodies but shall be subject to an interstate discussion.

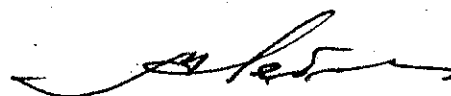
Strict page limitation on States parties' reports is unacceptable. Any such steps could only be taken on parity with the number and scope of questions put by experts to States. The same refers to the allocation of time during the dialogue of a Committee with a State party. We have witnessed more than once that, while experts are practically not limited in making comments and questions, the consequent lack of time limits the ability of the State delegation to give profound answers thus negatively effects the Concluding observations.

Issues of preparation of periodic reports as well as the modalities of putting forward candidatures of experts are solely within the authority of States parties.

Strengthening treaty bodies is an important and independent process that should not be artificially treated together with or linked to issues related to the Universal Periodic Review and the Human Rights Council. Those are institutionally and functionally different mechanisms.

In conclusion, please allow me to stress that the process of strengthening or reforming treaty bodies should primarily subject to an interstate discussion within the appropriate format.

Please accept, Excellency, the assurances of my highest consideration.



Mikhail LEBEDEV,
Deputy Permanent Representative