

Treaty body Chairpersons Position Paper on the future of the treaty body system

Introduction

This position paper represents an agreed position among the 10 treaty body chairpersons which builds upon the achievements of Res 68/268, including its funding formula, in order to further strengthen the treaty body system. We consider this position to be realistic, affordable, in accordance with the treaty mandates and addresses key issues raised by, and emerging thinking among, member states and other stakeholders concerning its effective and efficient operation. .

The process leading up to this paper has included consultations by all treaty bodies on key elements of the system, several international workshops and discussions among the chairpersons over several years. The guiding principle that has underpinned this process has been the increased protection of rights holders through strengthened implementation of the treaties.

The Chairpersons agree to recommend the proposals in this position paper to their Committees. These proposals could be implemented over a period of 1-2 years, provided that there is appropriate support for, and from, the OHCHR and other relevant departments of the UN Secretariat.

General alignment of working methods

Simplified reporting procedure (SRP)

All treaty bodies agree to offer the SRP to all States parties for periodic reports and may do so for initial Reports. All treaty bodies offering the SPR for initial reports will develop a standard list of issues prior to reporting (LOIPR).

Reduction of unnecessary overlap

All treaty bodies will coordinate their LOIPRs to ensure that their dialogues with State parties are comprehensive and do not raise substantively similar questions in the same time period. LOIPRs will be limited to 25-30 questions.

Interaction with Stakeholders

All treaty bodies currently receive alternative reports and undertake private meetings with stakeholders, including National Human Rights Institutions, National Preventive Mechanisms, NGOs and others. Within the context of reporting procedures, the suggested formats of alternative reports, the deadline for their submission, and the scheduling of private meetings will be aligned. Any private meetings may be conducted by video conference if necessary.

Reporting cycle

The Covenant Committees (CESCR and CCPR) will review countries on an 8-year cycle and will synchronize the timing of their reviews.

The Convention Committees will review countries on a 4-year cycle, unless the provisions of a particular Convention provide otherwise.

Timing of reviews

All treaty bodies will schedule reviews with State parties in accordance with the reporting cycle. The review will take place as scheduled irrespective of whether a report has been submitted (ie review in the absence of a report). This will ensure the regularity of reviews as provided for in the treaties.

The treaty bodies will ensure that should a State party be scheduled for review by a number of treaty bodies within a relatively short period, the scheduling of the reviews in question shall be altered to ensure an appropriate period elapses between reviews by convention committees. Covenant Committees may wish to conduct back to back reviews.

Reports

A single consolidated report may be submitted to both Covenant Committees if they choose to offer this option to States parties. The Convention Committees may wish to continue to receive separate reports in order not to dilute the Convention-specific focus.

Format of dialogues in Geneva

All treaty bodies agree to follow the same general format for the consideration of reports during their Geneva sessions, that is 6 hours in total, distributed over two sessions within a 24 hour period. In addition, written replies could be provided by the state concerned within 48 hours of the conclusion of the oral dialogue, if needed and appropriate. Exceptionally, the dialogue may take place by means of a videoconference.

Format of concluding observations

The treaty bodies agree that concluding observations will follow the same aligned methodology, as endorsed by the Chairs in Doc HRI/MC/2014/2, in order to ensure that they are short, focussed, concrete and prioritised balancing immediate with longer terms priorities and objectives.

Follow-up procedure

All treaty bodies engaging in follow-up to concluding observations will follow the process previously endorsed by the Chairs in Doc HRC/MC/2018/4, with a maximum of four urgent recommendations being selected by each committee from the concluding observations, and the State party will be requested to respond follow-up within a fixed period from the date of the review.

Review capacity of the treaty bodies

The Treaty Bodies consider that Committee members cannot be expected to contribute more than three months a year of their time (ie. a maximum of three sessions of four weeks each). As a result, increasing the capacity of the treaty bodies necessitates changes in working methods.

All treaty bodies agree to increase their capacity to review state party reports and individual communications, for example by working in chambers, working groups or country teams. This will

facilitate the need to review up to 50 reports per year for Convention Committees, and 25 reports per year for Covenant Committees.

Reviews in the region

All treaty bodies agree that there are considerable benefits in conducting dialogues with States parties concerning their reports at a regional level, and that this should be offered to states on a pilot basis by those committees wishing to do so, with a view to permanent implementation. Such dialogues may be conducted by a delegation of the treaty body, with Concluding Observations being adopted by the Committee as a whole.

In conclusion

The treaty body Chairpersons agree to align procedures and working methods as specified above. The treaty bodies believe that these proposals, which aim to focus, coordinate and streamline the reporting process and the dialogues, will facilitate enhanced interaction between States parties and other stakeholders and the treaty bodies.

The introduction of a coordinated schedule of country reviews in accordance with fixed cycles, in the absence of a report or in the region if necessary, will be implemented in a phased manner in order to ensure the continuation of regular review of all States parties.