

DRAFT RESEARCH BRIEF IMPLEMENTING THE TREATY BODY REVIEW 2020 – WHERE DO WE STAND*

* THIS VERSION IS AN UPDATE TO THE RESEARCH BRIEF ORIGINALLY PUBLISHED ON 27 MAY 2022 IN THE LEAD UP TO THE 34TH ANNUAL MEETING OF CHAIRPERSONS OF THE TREATY BODIES (30 MAY 2022 - 03 JUNE 2022).

KEY MESSAGES

- While progress has been made since Res. 68/268 was adopted in 2014, the Report of the co-facilitators of the 2020 Treaty Body Review process recommended that treaty bodies accelerate their efforts towards the strengthening of the treaty body system in a number of key areas. As such, the Chairpersons during their [34th Annual Meeting \(30 May – 3 June 2022\)](#) unanimously agreed on the need to operationalize the common position of the Chairs of 2019 and the recommendations of the co-facilitators report on three main issues: (I) the development of a predictable schedule of reviews, (II) alignment of working methods and (III) digitalization to help enhance the work of the treaty bodies.
- The current irregular and incoherent schedule of reviews across the treaty body system constitutes a major issue for its visibility, the coherence of its outputs and encouragement for timely and full cooperation towards increased domestic stakeholder accessibility. A predictable schedule of reviews should be coordinated across all Committees and include the due dates for State parties' reports and appearance dates. The conclusion taken by the Chairpersons following their 34th Annual Meeting to introduce a predictable eight-year cycle with a "Follow-up Review" in between is a welcome solution to this end, reducing the reporting burden and making the reporting system simpler, more efficient and closer to the national context, therefore supporting State parties to focus on follow-up and implementation.
- Although important steps towards the alignment of working methods have been taken since 2020, treaty body experts expressed that more changes of working methods could still be considered and that all Committees should do so in a unified manner unless a demonstrable specificity requires otherwise. In the submissions leading up to the 34th Annual Meeting of Chairs, it has been proposed that a mechanism dedicated to regularly analyse and support harmonising working methods be created, including the delegation to focal points and through the empowerment of the Annual Meeting of Chairs to this effect. It has been further suggested to have an inter-Committee structure with a coordinated working methods agenda for all treaty bodies. According to the Conclusions of the Chairs following the 34th Annual Meeting, coordination and harmonisation of the working methods will be enhanced through focal points appointed by each Committee to facilitate interaction between Committees and make recommendations to the Chairs.
- The unprecedented challenges posed by the COVID pandemic have highlighted the need to adapt to digital technologies in order to increase the accessibility, transparency and efficiency of the treaty body system. While in presence sessions should remain the rule, the possibility of organizing hybrid sessions will be considered as well as moving some areas of treaty bodies' work, online, when possible. Additionally, the pandemic and the 2020 Treaty Body Review have also provided a clear roadmap on ways forward with regard to digitalization: the creation of a case and document management system for petitions, a knowledge management system and an online portal for accessing information and submitting documents in a safe and confidential manner.

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INTRODUCTION AND OBJECTIVES

The 34th Annual Meeting of Chairpersons of the Human Rights Treaty Bodies represented a critical opportunity to advance on the strengthening agenda set out by General Assembly Resolution 68/268 and reinforced the [Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system](#)¹, submitted to the General Assembly at the end of the Treaty Body Review 2020 process. At the same time, it also represented an opportunity to act upon the Chairs' agreed [vision on the future of the treaty body system](#), adopted at their 31st Annual Meeting of June 2019.

While progress has been made since Res. 68/268 was adopted in 2014, the co-facilitators of the review recommended that treaty bodies accelerate their efforts towards the strengthening of the treaty body system in a number of key areas. Inter alia, these proposals can be broadly divided into three main categories: (I) the development of a predictable schedule of reviews, (II) alignment of working methods and (III) digitalization to help enhance the work of the treaty bodies. In light of the 34th Annual Meeting of Chairpersons, OHCHR has published a suite of reports which track the current implementation status of decisions and recommendations of the Chairs (2022), most notably:

- [Tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies: Aide-mémoire \(HRI/MC/2022/2\)](#);
- [Progress made on the alignment of working methods and practices of the treaty bodies \(HRI/MC/2022/3\)](#);
- [OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022](#) _____

To accompany such process, the Geneva Human Rights Platform initiated a series of events, the [GHRP Fridays](#), during which diplomats, treaty body members, OHCHR staff and civil society discussed the results of the review and practical ways to implement change.² From November 2021 to February 2022, the GHRP organized four thematic discussions based on specific recommendations contained

¹ A/75/601.

² The GHRP Fridays are organized and hosted by the team of the Geneva Human Rights Platform and co-sponsored by the following Permanent Missions: Belgium, Canada, Costa Rica, Morocco, Switzerland, and Uruguay.

in the Swiss-Moroccan co-facilitator report of the 2020 Review Process: (1) Harmonized COVID Working Methods; (2) Predictable Review Schedule; (3) Nominations, Elections and Membership and (4) Digital Uplift. The series will be continued throughout 2022 with discussions on the Focused Review, on the handling of Individual Communications through a case management portal as well as on digital human rights tracking tools for national-level reporting and follow-up.

This Research Brief outlines the main issues discussed during these thematic discussions, including good practices, challenges and practical recommendations on ways forward. Taking stock of the current implementation status of key decisions and recommendations by all relevant stakeholders - including treaty bodies, OHCHR and Member States - the analysis that follows unpacks their significance for the strengthening of the treaty body system.

PREDICTABLE SCHEDULE OF REVIEWS

Based on the Chairs' agreed vision adopted at their 31st annual meeting of June 2019³, the Chairs conveyed to the co-facilitators the decisions taken by the committees to establish a predictable review cycle for all States parties in accordance with a fixed review schedule, whether reporting or not reporting, and to consider replacing every second review with a focused review, which could consist of an in situ visit by one member of the treaty body with one member of the Secretariat to engage with the State party.⁴

In their 2020 report, the co-facilitators considered that, in order to better inform the discussions and with the aim to increase the reporting compliance to its fullest extent, the OHCHR could prepare, in coordination with the treaty bodies, a proposed schedule and estimated costing for predictable review cycles. Such a calendar should aim to maximize synergies between reviews and take into account the resource constraints of States parties, including those of small States, 'Small Island Developing States' (SIDS) and 'Least Developed countries' (LDCs). The scheduling of States reviews by OHCHR should also factor in other reporting obligations, including to the Universal Periodic Review⁵. The co-facilitators further acknowledged the positive value of introducing reviews in the region as an important step towards increased domestic stakeholder accessibility,

³ See A/74/256, Annex III.

⁴ A/75/346, para. 46 (h); see also para. 46 (j).

⁵ Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system, para. 56.

enhanced visibility of the treaty body system and closer interaction with national and regional human rights systems. Therefore, the co-facilitators encouraged treaty bodies' engagement with UN Member States at regional level.⁶ As such, the GHRP embarked on a series of pilots, in collaboration with the Commonwealth Secretariat and TB-NET, in order to test through empirical evidence how a treaty body Focused Review in the regions would function.⁷

In the build up to the 34th annual meeting, the Chairs discussed different proposals for a predictable schedule of reviews. Based on the Chairs' agreed vision adopted at their 31st annual meeting of June 2019, the CRPD had originally proposed to introduce a predictable schedule of reviews based on a five-year review cycle, factoring in the dates of the UPR, on the basis of alternating between full reviews and "focused reviews".⁸ Six treaty bodies (the HRCtee, CESCR, CEDAW, CRC, CMW, and CERD) stated their support for an eight-year review cycle for full reviews with follow-up in-between, and to offering to States parties the simplified reporting procedure as the default procedure (i.e. States parties would be requested to inform the Committee concerned if they wish to opt out). CED and SPT - which do not review periodic reports - expressed support for predictable schedules, while noting that the specificity of their respective mandates and working methods would need to be taken into account. CAT reiterated that the Committee was not in favour of a consolidated calendar with a firmly fixed timetable of reviews of States parties by all Committees, and that for any review schedule to be feasible it would need to allow a degree of flexibility.⁹

One of the most important innovations following the 34th Annual Meeting of Chairs is the agreement to operationalize such a predictable schedule of reviews. On such occasion, the Chairs agreed that "Committees that have periodic reviews (CESCR, HRC, CERD, CEDAW, CAT, CRC, CRPD and CMW) will establish an eight-year review cycle for full reviews with follow-up reviews in between..¹⁰, thus dropping the notion of "Focused Review" and replacing

⁶ Ibid. para 69.

⁷ To access the reports of the two treaty body focused review pilots: https://www.geneva-academy.ch/joomlatools-files/docman-files/FRSL%20Project%20Report_for%20website%20.pdf (Sierra Leone, 2021) and <https://www.geneva-academy.ch/joomlatools-files/docman-files/Grenada%20Report.pdf> (Grenada, 2022). Further pilots will take place in Europe and the Asia-Pacific regions between 2022 and 2023.

⁸ See Proposal by the Committee on the Rights of Persons with Disabilities (3 August 2021).

⁹ OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022, p. 2.

¹⁰ Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies (17 June 2022), para 6.

it by the clearer term of "Follow-up Review". A "Follow-up Review" will constitute an intermediary review between two full reviews over an eight-year cycle: "Whereas the full review will consist of a review of all State obligations under the treaty in question, the follow-up review will cover up to four specific priority issues that were identified in the full review or that have since emerged. The modalities of follow-up reviews, including sufficient resources, will enable greater focus on a smaller number of critical issues aligning the procedures utilised by some Committees for follow-up".¹¹ A predictable eight-year cycle with a "Follow-up Review" in-between would ensure equal treatment of all States and facilitate compliance with their reporting obligations. It would also allow treaty bodies to avoid unnecessary duplication or repetition of recommendations, which were largely attributed to the lack of certainty about States' subsequent engagement with other treaty bodies. The view was expressed that it was also necessary to factor in the UPR calendar. While drawing on the current follow-up procedures, its harmonized modalities would need to be further defined.

ALIGNMENT OF WORKING METHODS

Aligning working methods is essential for making the transition to a predictable schedule of reviews and for facilitating the digital shift and the development of online tools, which the Chairs have agreed is a priority. The report of the co-facilitators expressed the view that the Chairs of treaty bodies should play a central role in further harmonizing the different treaty bodies' working methods, including by continuing initiatives to enhance coordination and to share best practices across treaty bodies. In this regard, the co-facilitators further recommend that OHCHR could be requested to present a suggested model for rationalized, harmonized and modern working methods for treaty bodies, drawing on the views and conclusions of the consultation process, successive treaty body Chairs' meetings and lessons learned during the COVID-19 pandemic.¹² Below is a selection of key elements considered and/or endorsed by all treaty bodies, divided by relevant procedure: state reporting, individual communications and inquiries, general comments and reprisals. Regardless of such important steps taken towards the alignment of working methods, treaty body experts during the

¹¹ Ibid. para.10.

¹² Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system, para.s 35 – 36.

2022 informal conversations with Chairs and experts of expressed that more changes of working methods could still be considered and that all Committees should do so in a unified manner unless a demonstrable specificity requires otherwise.¹³ It was proposed that a mechanism dedicated to regularly analyse and support harmonising working methods be created, suggesting it should be factored into a proposal for costing. It was further suggested to have an inter-Committee structure with a coordinated working methods agenda for all treaty bodies.¹⁴ The proposal to assign focal points in each Committee for working methods was considered important to exchange good practices and suggest improvements that could be adopted by all Committees as long as there was no specific reason for a Committee not to align with the general working methods of other Committees. OHCHR shared its conviction, based on experience, that efforts to harmonize working methods could only lead to positive results if focal points were delegated and if the Chairs meeting was empowered to reach its own conclusions, after proper internal consultation within each Committee.¹⁵ Following the 34th Annual Meeting of the Chairs, it was agreed that further harmonisation of working methods across treaty bodies is required, including as regards follow-up reviews, deadlines for stakeholders' submission, reduction of duplication and other issues. As such, "coordination and harmonisation of the working methods will be enhanced through focal points appointed by each Committee to facilitate interaction between Committees and make recommendations to the Chairs".¹⁶

REPORTING PROCEDURE

In 2019 the Chairs agreed, in their position paper on the future of the treaty body system, to align procedures and

¹³ OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022, pp. 3-4.

¹⁴ Ibid.

¹⁵ See General Assembly resolution 68/268, paragraph 38 which "encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods". See also, A/74/256, para. 57 "The Chairs recalled the decision, taken at their previous meetings (A/70/302, para. 88), that they should adopt measures on working methods and procedural matters that were common across the treaty body system, and that such measures should be implemented by all treaty bodies unless a treaty body subsequently dissociated itself from the system."; See also the outcome document of the meeting held in Dublin in November 2009, para.26 on the process of strengthening the United Nations human rights treaty body system (see <http://www.ohchr.org/EN/HRBodies/HRTD/Pages/Documents.aspx>).

¹⁶ Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies (17 June 2022), paras 22-23.

working methods in order to facilitate enhanced interaction between States parties and other stakeholders and the treaty bodies.¹⁷ To date, several key steps have been taken by the treaty bodies towards the alignment of their working methods under the state reporting procedure:

Where relevant, all treaty bodies agree to offer simplified reporting procedures to all States parties for periodic reports and may also offer it for initial reports. All treaty bodies offering such procedures for initial reports will develop a standard list of issues prior to reporting.¹⁸ The Chairs have also decided to make the simplified reporting procedure the default procedure for periodic reports, and if the treaty body concerned so decides, for initial reports, from which States parties can opt out.¹⁹

The Chairs have endorsed the possible elements for a common aligned procedure for the simplified reporting procedure.²⁰

All treaty bodies will coordinate their list of issues prior to reporting to ensure that their dialogues with States parties are comprehensive and do not raise substantively similar questions in the same time period. Lists of issues prior to reporting will be limited to 25 to 30 questions.²¹ When relevant, there should be cross-referencing and reinforcement of the recommendations of other treaty bodies, the universal periodic review and special procedure mandate holders.²²

The Chairs have agreed to review States parties in the absence of a report.²³ The Chairs had already suggested that in the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue.²⁴

All treaty bodies have agreed 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 videoconference.²⁵ In this regard, all relevant treaty bodies

¹⁷ A/74/256, annex III.

¹⁸ Ibid.

¹⁹ A/75/346, para. 46 (k).

²⁰ See A/74/256, annex II.

²¹ Ibid. annex III.

²² A/66/860, 2012, sect. 4.2.6. See also HRI/MC/2014/2, para. 33 (e).

²³ Ibid. annex II.

²⁴ Ibid., annex III.

²⁵ Ibid.

have considered/endorsed a guidance note for States parties on the constructive dialogue with the human rights treaty bodies.²⁶

The Chairs have endorsed the framework for concluding observations, to be applied flexibly.²⁷ The Chairs have also endorsed the format of concluding observations.²⁸

All treaty bodies engaging in follow-up to concluding observations will adhere to the process previously endorsed by the Chairs in its report entitled “Procedures of the human rights treaty bodies for following up on concluding observations, decisions and views”,²⁹ 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 to follow-up within a fixed period from the date of the review.³⁰

Possible elements for a common aligned procedure for follow-up to concluding observations were put forward for discussion³¹ and endorsed at the thirtieth meeting of Chairs.³²

Within the context of reporting procedures, the suggested formats for alternative reports will be aligned, as will the deadline for their submission and the scheduling of private meetings. Private meetings may be conducted by videoconference, if necessary.³³

The Chairs have considered and endorsed elements of a common approach to engagement with national human rights institutions.³⁴

INDIVIDUAL COMMUNICATIONS (REMEDIES)

During the 2022 informal conversations, several treaty body experts shared their concerns with regard to the treaty bodies’ work on petitions.³⁵ They stressed the importance of the work of the Petitions and Urgent Action Section (PUAS), and the severe overload of work it

²⁶ A/69/285, annex I.

²⁷ Ibid., annex II.

²⁸ See HRI/MC/2014/2.

²⁹ HRI/MC/2018/4.

³⁰ A/74/256, annex III.

³¹ HRI/MC/2018/4, para. 11.

³² A/73/140, annex II.

³³ See A/74/256, annex III.

³⁴ See HRI/MC/2017/3.

³⁵ OHCHR’s Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022, p. 5.

faced, noting that individual communications remained a priority. Experts expressed concern regarding the petitions backlog and underlined the need for increased resources to improve the petitions system and follow up, including through digital tools. The lack of a modern data management system has led to a significant loss of time on manual processing and actions on various stages of individual complaints. Two issues were critical, namely the development of modern technology, on which OHCHR has started to act with the support of a number of donors, and human resources, which OHCHR hoped to address through the 4th Secretary-General’s status report so as to clarify to member States what action and support was needed. In May 2022, the GHRP and the Paris Human Rights Center organized an informal meeting for PUAS staff and the rapporteurs for communications of all relevant committees. On this occasion, discussions focused on the progress that is currently being made on technical issues, aimed at facilitating the interaction of users with the system, both State parties and claimants. There seemed to be a general consensus among the discussants also on the alignment of working methods where no reason for differences exist. This is an important step aimed at paving the way for digitalization, a transformation which will be made much easier if less specificities and differences have to be built in.

In relation to remedies, the Chairs agreed that there was a need to compare the jurisprudence of the respective treaty bodies, with the objective of distilling good practices and establishing the full range of remedies that could guide the treaty bodies in their decisions, including measures of restitution, monetary compensation, rehabilitation measures, satisfaction measures and guarantees of non-repetition.³⁶

The Chairs decided to identify common elements with respect to the practices in the area of remedies in the different treaty bodies.³⁷ A list of possible elements of a common aligned procedure for follow-up to decisions and views that were proposed and endorsed by the Chairs is included in the Aide-mémoire on [Tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies](#). (HRI/MC/2022/2).

Most recently, the Chairs at their 34th Annual Meeting concluded that the historic petitions backlog needs to be addressed as a matter of priority. In view of the overall

³⁶ A/71/270, para. 37.

³⁷ A/72/177, para. 51. See also HRI/MC/2018/3, para. 90.

figures, “workload targets have to be both inclusive of the current backlog and forward looking, namely accompanied by a formula adjusted to the increase in communications and including improving the follow-up of the implementation of views and providing an equitable allocation of financial and human resources corresponding to the workload across the treaty bodies”.³⁸

INQUIRIES AND COUNTRY VISITS

The [Background paper on Inquiries and Country visits \(HRI/MC/2022/CRP.3\)](#), prepared for submission to the Chairs at their thirty-fourth meeting, contains an overview of existing guidance and practices and is aimed at assisting treaty bodies in preparing draft common guidelines for establishing common procedures regarding inquiries and country visits, drawing on best practices and in reference to the note by the Secretariat on identifying progress achieved in aligning the working methods and practices of the treaty bodies.³⁹ There appears to be a common understanding on further necessary alignment regarding certain elements relating to:

- the threshold for triggering an inquiry or a country visit;
- confidentiality of documents and proceedings;
- protection of victims and witnesses;
- engagement with stakeholders and sources of information;
- follow-up and implementation;
- information sharing and institution building.⁴⁰

GENERAL COMMENTS

The Chairs have endorsed a common methodology for the elaboration of and consultations on general comments.⁴¹

REPRISALS

The Chairs have unanimously endorsed the Guidelines against Intimidation or Reprisals (San José Guidelines).⁴²

DIGITALIZATION

The exceptional situation during the COVID-19

³⁸ Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies (17 June 2022), para 17.

³⁹ HRI/MC/2018/3.

⁴⁰ See Background paper on Inquiries and Country visits (HRI/MC/2022/CRP.3).

⁴¹ A/70/302, paras. 90–91.

⁴² *Ibid.*, para. 41.

pandemic forced treaty bodies to find temporary solutions to continue their work in absence of face-to-face meetings and travel. While the establishment of the inter-committee working group on COVID-19 and other initiatives by individual committees have produced food for thought on ways for treaty bodies to work online, the pandemic has also exacerbated existing challenges and gaps.

Treaty body members have reported facing a wall of bureaucracy in attempting to use digital platforms such as Zoom and regretted the limited availability of interpretation services in UN languages for their online meetings, constraints that were further compounded by the time difference amongst members. Treaty body members have also raised the need to adapt the regulations regarding the Daily Subsistence Allowance (DSA) for online sessions, albeit acknowledging that such a proposal would be unlikely to be adopted by the Fifth Committee. Another issue affecting the work of the treaty bodies is the lack of formal communication channels between members and committees to work together and advance common issues, aside from the annual meeting of chairpersons meeting and the [Treaty Body Members' Platform \(TBMP\)](#) hosted by the Geneva Human Rights Platform.

With regard to online sessions of the Committees, views differ as to whether this practice could be implemented in a post Covid-19 setting with certain commentators arguing that fully virtual reviews have yielded promising results, including a more structured dialogue and greater participation from State parties and other stakeholders who would otherwise not be able to participate in Geneva. On the other hand, others have raised the issue of confidentiality especially for participation of NGOs dealing with individual communications and underlined the value in having the members in Geneva, taking into account the fundamental nature of treaty bodies as collegial bodies made up of experts dealing with complex legal issues. Following the 34th Annual Meeting, the Chairs stated that “while State Party reviews should always be held in-person, there are areas of treaty body work that could benefit from using advanced, integrated digital platforms, including ‘hybrid’ meetings with State parties in exceptional circumstances. The platforms need to be efficient, transparent, accessible, secure, and ensure confidentiality and secure any proprietary rights of the United Nations”⁴³. The digital option “could also be offered to those SIDs and LDCs who request it either as a cost-saving measure, based on the high cost of appearing

⁴³ Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies (17 June 2022), para 28.

in person in Geneva or as a result of temporary exceptional circumstances (e.g. natural disasters, pandemics). This option may offer the possibility of reducing the backlog in these States Parties”.⁴⁴ Thus, the possibility of organizing hybrid sessions with part of the delegation remaining in capital continues to be envisaged as a practical way forward. Nonetheless, due consideration should be given to the digital divide amongst State parties as well as the need to strengthen outreach efforts on participation through online methods, in particular for NGOs. Mention was also made of moving some other aspects of the work of treaty bodies online such as regional consultations for Days of General Discussions or General Comments.⁴⁵

While the impact of the COVID pandemic has shown the serious logistical, technological, and financial challenges the UN is grappling with, in many ways it has also accelerated the pace of digitization of OHCHR. In 2021, OHCHR hired a senior IT consultant to conduct a comprehensive and unprecedented assessment of all existing IT infrastructure for all mechanisms, which revealed an enormous fragmentation of IT solutions. In light of these findings, it was thus decided that the digitalization of UN human rights mechanisms will be piloted under the Office-wide digital transformation process, aimed to reinforce data-driven human rights advocacy by harnessing the potential of digital platforms to advance human rights, as presented in the [UN Human Rights Appeal 2022](#). With a view to increase the accessibility, efficiency and transparency of UN human rights mechanisms, the Office is envisaging the transition to a robust and integrated digital structure with three major components: (1) a case and document management system; (2) an input and external relation system to exchange information in both directions; (3) and an integrated knowledge management system. The platforms and tools for the digital uplift are critical and will require a modernised file management and document sharing platform. These should provide support to stakeholder engagement, or joint work as may be undertaken by the Treaty Bodies.⁴⁶

Recalling the increasing backlog in individual communications, treaty body members and OHCHR representatives have since underscored the urgent need for a deeper digital transformation in relation to the PUAS, notably through the development of a case and document management system, which could also include an online

submission portal. To date, the absence of digital solutions have rendered the processing of complaints extremely time consuming and work intensive for the PUAS, a burden that is likely to grow with the increasing awareness of the individual complaints procedures and increasing acceptance by State Parties of the competence of the treaty bodies to receive communications. The Chairs have since concluded that a “digital case file management system for individual communications and CED urgent actions must be completed to allow for uploading of communications and tracking the process, including the status of the case. The submission process is to be streamlined, and allow the option of videoconferencing, oral evidence and States Parties responses in real-time”.⁴⁷

44 Ibid., para 29.

45 See also the joint letter from 43 States to the TB Chairs’ 33rd meeting and the CRPD position paper.

46 Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies (17 June 2022), para 31.

47 Ibid., para 28.

RECOMMENDATIONS

PREDICTABLE SCHEDULE OF REVIEWS

The current irregular and incoherent schedule of reviews across the treaty body system constitutes a major issue for its visibility, the coherence of its outputs and encouragement for timely and full cooperation towards increased domestic stakeholder accessibility. As such, a predictable schedule of reviews should be coordinated across all Committees and include the due dates for State parties' reports and appearance dates. A predictable eight-year cycle with a "Follow-up Review" would be a welcome solution to this end, reducing the reporting burden and making the reporting system simpler, more efficient and closer to the national context, therefore supporting State parties to focus on follow-up and implementation.

ALIGNMENT OF WORKING METHODS

Cross-cutting all procedures, the framework of reasonable accommodation – a central pillar of the UN Disability Inclusion Strategy and a legal obligation embedded in the CRPD - has been integrated into treaty body working methods through the recognition of different forms of accommodation and adjustment of time, adjustment to the format of meetings, and personal assistants were being recognized and accommodated across the treaty bodies. However, the current framework is insufficient as it does not allow for individualized responses to people's needs to ensure that they can participate on an equal basis with others. What is needed is a mechanism by which an individual could explain what their requirements are to participate on an equal basis with others. If these requirements are not met, a complaint mechanism should be made available, with the aim to independently assess whether the process has been reasonable.

Specific to the state reporting procedure, the OHCHR and treaty body members have identified a number of outstanding issues⁴⁸, which include the following:

- How to increase review capacity, bearing in mind that all treaty bodies have agreed to increase their capacity to review the reports of States parties and individual communications, while considering that committee members cannot be expected to contribute more than three months of their time per year (that is, a maximum of three sessions of four weeks each)⁴⁹;
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- The compilation of guidelines on the form and content of reports to be submitted by States Parties should be revised to include the CRPD, the CED and any further developments concerning the simplified reporting procedure⁵⁰;
- Standard lists of issues prior to reporting should be developed⁵¹ and internal guidelines should be developed in a coordinated manner for the drafting of lists of issues prior to reporting and of concluding observations common to all committees⁵²;
- How to cross-reference and reinforce without adding to the length of concluding observations; arguably, concise cross-referencing may reduce the length of concluding observations (to address the word limit issue)⁵³;
- Issues that require further discussion or clarification on the follow-up to concluding observations include the

48 OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022.

49 See A/74/256, annex III.

50 A/74/256, annex II (m).

51 Ibid., annex III.

52 Ibid., annex II (k).

53 The Chairs thought it would be unhelpful to impose a limit of 3,300 words for concluding observations on periodic reports.

alignment of grading systems and the alignment of the time frame;

- Issues that remain outstanding regarding interaction with stakeholders include the following:
 - (a) There is no common format for alternative reports;
 - (b) Deadlines for submitting alternative reports are not harmonized;
 - (c) Scheduling of private meetings require further discussion;
- (d) Modalities for sharing information and interacting with United Nations agencies and United Nations country teams require further discussion.

Regarding the individual communication procedure, the OHCHR and treaty body members have identified a number of outstanding issues⁵⁴, which include the following:

- Common guidance needs to be prepared, based on existing documents;
- Assessment criteria and grading systems need to be aligned;
- The link between follow-up to views and the reporting procedure needs to be developed, as well as proposals on how to address any non-cooperation of the States parties concerned;
- A digital case-management system that will also host standard templates for communication with authors and the States parties concerned and generate, among other things, automatic timelines and reminders, needs to be developed.

In relation to the inquiry procedure, the OHCHR and treaty body members have identified a number of outstanding issues⁵⁵, which include the following:

- The question of how to protect the information gathered against security breaches needs to be discussed;
- It should be clarified that the rapporteur on reprisals should be responsible for dealing with letters of allegations relating to reprisals;
- Practices in relation to the issue of non-cooperation of States parties vary across treaty bodies. This issue could be further discussed with a view to exchanging good practices and considering streamlining such practices;
- The question of how to strengthen the follow-up process needs to be discussed.

DIGITALIZATION

The unprecedented challenges posed by the COVID pandemic have highlighted the need to adapt to digital technologies in order to increase the accessibility, transparency and efficiency of the treaty body system. While in presence sessions should remain the rule, the possibility of organizing hybrid sessions could be considered as well as moving some areas of treaty bodies' work, online, when possible. Additionally, the pandemic and the 2020 Treaty Body Review have also provided a clear roadmap on ways forward with regard to digitalization: the creation of a case and document management system for petitions, a knowledge management system and an online portal for accessing information and submitting documents in a safe and confidential manner

⁵⁴ OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022.

⁵⁵ Ibid.

THE GENEVA ACADEMY

The Geneva Academy provides post-graduate education, conducts academic legal research and policy studies, and organizes training courses and expert meetings. We concentrate on branches of international law that relate to situations of armed conflict, protracted violence, and protection of human rights.

TREATY BODY REVIEW 2020 AND BEYOND

The Geneva Human Rights Platform (GHRP), contributes to the Treaty Body Review 2020 initiative by providing expert input via different avenues, by facilitating dialogue on the review among various stakeholders, as well as by accompanying the development of a follow-up resolution to 68/268 in New York and in Geneva. This contribution builds upon the three-year global project of the Academic Platform, which developed models to optimize the reporting and dialogue processes of TBs.

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