**Twenty-ninth meeting of Chairs of the human rights treaty bodies**

**New York, 27-30 June 2017**

Decisions and Recommendations adopted by the Chairs of the human rights treaty bodies at the 29th annual meeting of Chairpersons

(Advance **and** unedited version**)**

1. Role of the Chairs in the area of working methods and the follow-up to General Assembly resolution 68/268
2. The Chairs reiterated their support for strengthening and enhancing the effective functioning of the treaty body system as reflected in General Assembly resolution 68/268. The Chairs agreed to a common framework identifying elements that form the basis for aligned procedures and working methods, while recognizing the specificity of the practices of the different treaty bodies based on their respective treaties and mandates. The following areas of this framework have already been progressively addressed by the Chairs: (a) the constructive dialogue with States parties; (b) the adoption of more focused, targeted and implementable concluding observations; (c) the simplified reporting procedure; (d) the methodology for the consultation process for the elaboration of general comments; (e) the engagement with national human rights institutions; and (f) the implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines). The Chairs also decided to identify further elements for discussion within their respective Committees that could enhance the alignment of working methods in the following areas: (a) follow-up on concluding observations, decisions and Views; (b) inquiry procedures; (c) reprisals; and (d) remedies.
3. The Chairs requested OHCHR to prepare a document for discussion before the 30th annual meeting of Chairpersons identifying the progress achieved in aligning the working methods and practices of the treaty bodies in the different areas addressed in General Assembly resolution 68/268 as well as those areas on which the Chairs will continue to work towards enhanced alignment.
4. In that context, the Chairs recalled the encouragement by the General Assembly to the treaty bodies to continue to enhance the role of the Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods, generalizing good practices and methodologies across all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.
5. Welcoming all initiatives that seek to collect innovative ideas in the light of the 2020 review of the treaty body system by the General Assembly, in accordance with paragraph 41 of resolution 68/268, the Chairs reiterated that the views of the treaty bodies and their Chairs be sought and resolved to remain engaged at all stages of those processes. They agreed that the following parameters will be crucial in reviewing the sustainability of the measures taken and, if appropriate, deciding on further action to strengthen and enhance the effective functioning of the human rights treaty body system: (a) strengthened protection of rights holders; (b) preservation of the integrity of the treaty body system and of the independence of both the Committees and their experts; (c) enhanced implementation of treaty obligations and the related recommendations of treaty bodies; (d) balancing the need for more aligned procedures and working methods with the specific mandates of each treaty body; (e) developing a more predictable and coordinated calendar for examining States parties’ reports; and (f) strengthening synergies within the treaty body system and with other human rights mechanisms.
6. While welcoming the improvements resulting from resolution 68/268, the Chairs reiterated the need for OHCHR to have the material and human resources necessary for the treaty bodies to perform their work as required by the treaties. In particular, they stressed that any further growth in the workload of the treaty body system cannot be absorbed within existing resources, in line with General Assembly resolution 68/268 which provides a mechanism to adapt resources to workloads.

B. Ratification and reporting compliance by States

1. The Chairs called for the universal ratification by States of international and regional human rights treaties. Welcoming the note by the Secretariat on compliance by States parties with their reporting obligations to international human rights treaty bodies (HRI/MC/2017/2), the Chairs expressed concern regarding the large number of States whose reports were still overdue and the protection gap that created for right-holders.
2. The Chairs encouraged all States facing capacity constraints to solicit the technical assistance and advisory services of the OHCHR treaty body capacity-building programme, created under General Assembly resolution 68/268, and welcomed the efforts already undertaken to develop capacities by States to implement the treaties and which specifically provides technical assistance to States for reporting to the treaty bodies, including by supporting national mechanisms for reporting and follow-up.
3. The Chairs also welcomed the efforts undertaken by United Nations country teams (UNCTs) to submit country-specific information for the reporting processes of the treaty bodies, follow up on the implementation of their recommendations and facilitate country visits by treaty bodies and invited UNCTs and individual United Nations agencies to continue intensifying these efforts.
4. The Chairs recommended that all treaty bodies, as appropriate, define objective criteria and aligned modalities for and promote the application of the simplified reporting procedure as a means to improve reporting compliance by States parties.
5. The Chairs reiterated that treaty bodies consider recommending to States that they establish national mechanisms for reporting and follow-up, considering that the States that have established such national mechanisms have increased their ability to report and engage with the international and regional human rights systems.
6. In addition, the Chairs suggested that treaty bodies consider meeting with States parties whose reports are more than 10 years overdue to assess their needs, and took note of the good practices of some treaty bodies in that regard.
7. The Chairs reaffirmed the decision taken at previous meetings to include reporting compliance by States parties as a standing item on the agenda of the annual meeting of the Chairs. They further requested OHCHR to continue to update the statistics on reporting compliance by States on its website.

C. Implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

1. The Chairs appreciated the broad support for the Addis Ababa guidelines on the independence and impartiality of treaty body members and recommended that the implementation and use by all treaty bodies of the guidelines be ensured.
2. The Chairs also reiterated that States should refrain from nominating or electing persons to the treaty bodies whose independence and impartiality was compromised by the political nature of their affiliation with the executive branch of the State.
3. Members of treaty bodies should consequently avoid functions or activities which could be, or could be seen by a reasonable observer to be, incompatible with the obligations and responsibilities of independent experts under the relevant treaties. Encouraging further harmonization, the Chairs took note of good practices of treaty bodies in relation to the designation of country rapporteurs and the participation of treaty body members in training workshops before or following the consideration of the State party concerned aimed to ensure that members continue to carry out their functions independently and impartially, and are also seen to do so.

D. Implementation of the guidelines against intimidation or reprisals (San José guidelines)

1. The Chairs appreciated the broad support for the San José guidelines against intimidation or reprisals and recommended that all treaty bodies endorse and ensure the implementation of the guidelines.
2. The Chairs reiterated their recommendation that the rapporteur(s) or focal point(s) on reprisals appointed in the respective treaty bodies work together to align the approaches taken to prevent and protect individuals and groups against intimidation or reprisals in order to enhance consistency across the treaty body system, including through meetings as appropriate.
3. The Chairs also reaffirmed their decision, first made at their twenty-sixth meeting, to include reprisals as a standing item on the agenda of the annual meeting of the Chairs.

E. Follow-up to concluding observations, decisions and Views

1. Welcoming the note by the Secretariat on procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views (HRI/MC/2017/4), the Chairs exchanged views and decided to identify common elements in relation to the practices of their respective treaty bodies concerning follow-up to concluding observations, decisions and Views.

F. Common approach to engagement with national human rights institutions

1. Following their constructive engagement with the representative of the Global Alliance of National Human Rights Institutions during their twenty-ninth meeting, the Chairs discussed a common treaty body approach to engagement with national human rights institutions.
2. The Chairs considered possible areas of a common approach to engagement with national human rights institutions as summarized in Section IX of Secretariat note HRI/MC/2017/3. They decided to endorse the following recommendations:

Reporting process

(a) The Chairs recognized the particular value of national human rights institutions accredited with “A” status by the Global Alliance in the reporting process, while acknowledging that engagement with other specialized bodies is important. National human rights institutions are encouraged to cooperate with those bodies.

(b) In addition to the participation of national human rights institutions during the session, it is fundamental for national human rights institutions to have an opportunity to be involved at the pre-session stage. In that regard, public and private meetings with the institutions should be possible, depending on the situation in the country. National human rights institutions should also be encouraged to provide information for the formulation of the lists of issues for the dialogue with States. Written and oral contributions of national human rights institutions are encouraged at all stages of the State reporting process.

Communications procedure

(c) National human rights institutions should raise awareness and build capacity on the communications procedure, including promoting ratification by States of the necessary instruments.

(i) National human rights institutions could create a venue for dialogue with the State about the importance of the procedure and for victims to have access to such procedures at the international level;

(ii) National human rights institutions could facilitate or assist victims with filing petitions to the treaty bodies;

(iii) National human rights institutions could participate in the monitoring of the implementation of the remedies recommended in Views finding violations.

Inquiry procedure

(d) The role of national human rights institutions is important at all stages of the inquiry procedure, while respecting the confidentiality of the proceedings.

(i) National human rights institutions accredited with “A” status by the Global Alliance are important partners in the inquiry procedure and could provide support throughout the process, including in follow-up to the inquiry;

(ii) “A” status national human rights institutions are not the only actors in a situation. Often, there is no “A” status human rights institution in the country where serious human rights violations are occurring or they are not the only human rights body. Hence, engagement, as appropriate, with other institutions may be necessary;

(iii) Seeking engagement by the national human rights institution should be determined on a case-by-case basis by the treaty bodies during all stages of the inquiry process, including the preliminary assessment; the conduct of the inquiry (advisory role); during the country visit (to facilitate the visit and identify stakeholders, including witnesses and victims); and in follow-up to the recommendations;

(iv) During the preliminary assessment, national human rights institutions could provide and help to assess information (advisory role);

(v) During the country visit, national human rights institutions could play an important role in facilitating the visits and in helping to identify stakeholders, including witnesses and victims;

(vi) The reporting responsibility rests with the treaty bodies, but national human rights institutions could play an important role in the follow-up of their recommendations by the State;

(vii) Confidentiality is critical to the inquiry process and imposed by the relevant instruments. Maintaining confidentiality is closely related to the “do no harm” principle. Treaty bodies have the responsibility to uphold those principles, as do national human rights institutions engaged in the procedure. National human rights institutions accredited with “A” status by the Global Alliance in particular could play a role in the process as they would guarantee the established standard;

(viii) National human rights institutions accredited with “A” status by the Global Alliance could play an important role in preventing reprisals and providing witness protection.

Follow-up to recommendations

(e) Cooperation in relation to follow-up to recommendations could be further strengthened. For example:

(i) The development of a national action plan to follow up to recommendations would be worthwhile. States should be encouraged to seek the cooperation of national human rights institutions in the development of such plans and to implement recommendations in consultation with national human rights institutions and civil society;

(ii) The role of “A” status national human rights institutions should be recognized and further embedded in follow-up procedures and processes. National human rights institutions should be formally invited to contribute to the follow-up of recommendations in their countries. Direct engagement by national human rights institutions with Members of Parliament, ministries and other public authorities is recommended;

(iii) National human rights institutions should communicate with States between reporting periods;

(iv) Follow-up visits by treaty bodies, organized in close consultation with national human rights institutions would be welcome. Their effectiveness would relate to the timing of the conduct of the consultations;

(v) National human rights institutions should be encouraged to facilitate the dissemination of treaty body outputs. Accurate translation of treaty body outputs is essential and States should be encouraged to consult national human rights institutions in that regard.

NHRIs with formally designated roles within Human Rights Treaties.

(f) Cooperation with and among national human rights institutions, national monitoring mechanisms and national preventive mechanisms is important at the national level. In that respect:

(i) Further guidance on interaction with treaty bodies for national human rights institutions with more than one mandate, for example, also functioning as a monitoring and/or preventive mechanism, is needed;

(ii) The Global Alliance could play a role in offering such guidance in conjunction with the treaty bodies concerned.

22. The Chairs also welcomed modalities of engagement of national human rights institutions with other stakeholders:

(g) A variety of stakeholders need to be engaged and held to account in relation to the work of the treaty bodies. National human rights institutions could function as a bridge in facilitating such engagement. For example:

(i) Cooperation with, inter alia, national parliaments, the judiciary, bar associations, civil society, the business sector, academia, the media as well as religious leaders could be fostered by national human rights institutions;

(ii) Cooperation with regional and international human rights and other regional organizations that do not have a specific human rights mandate could be fostered by national human rights institutions.

23. The Chairs further welcomed other avenues for engagement with national human rights institutions:

(h) Although some existing avenues for engagement are already positive, there is still room for strengthening them, including the following:

(i) The Global Alliance Subcommittee on Accreditation refer the concluding observations of the treaty bodies to acknowledge and assess the performance of national human rights institutions and their level of compliance with the Paris Principles. In that regard, the practice of including references to the compliance of national human rights institutions with the Paris Principles in concluding observations is considered as a good practice;

(ii) The Global Alliance should provide regular updates to the treaty bodies on its accreditation process;

(iii) National human rights institutions should be encouraged to prioritize advocacy in relation to ratification of treaties and Optional Protocols and withdrawal of reservations;

(iv) Enhanced awareness raising for national human rights institutions of the early warning and urgent action procedures of the Committee on the Elimination of Racial Discrimination and the urgent action procedure of the Committee on Enforced Disappearances is encouraged;

(v) National human rights institutions should be encouraged to provide input for the development of general comments, including by participating in the days of general discussion and commenting on drafts posted for public comment on the websites of the treaty bodies;

(vi) National human rights institutions should be encouraged to broadly disseminate general comments in their countries. OHCHR could further strengthen the timely notification of their issuance;

(vii) Both national human rights institutions and treaty bodies play a role in the adoption of the San José Guidelines. There are limitations on both sides; the “do no harm” principle must apply; and witnesses must be made aware of the limitations of both bodies;

(viii) More regular and systematic interactive relations or meetings, including in-person or audio/video meetings, between individual treaty bodies and national human rights institutions and the Global Alliance should be held whenever possible;

(ix) Enhanced cooperation with the Global Alliance office in Geneva would be welcome.

(i) The Chairs took note of the practice of the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Racial Discrimination to permit national human rights institutions to take the floor at the beginning and/or the end of the dialogue with a State party.

(j) The Chairs also took note of the practice of some Committees to encourage national human rights institutions to submit amicus curiae briefs to contribute to the information gathered by the treaty bodies in relation to individual communications, even though they may not be mandated to consider communications.

G. Remedies

24. The Chairs continued their exchange of views and decided to identify common elements with respect to the practices in the area of remedies in the different treaty bodies.

H. Inquiries

25. The Chairs continued their exchange of views with respect to the practices in the area of inquiries in the different treaty bodies and decided to further pursue that dialogue in order to promote increased alignment of the working methods of the treaty bodies with a mandate to conduct inquiries. They considered that it would help the alignment in relation to inquiry procedures if all treaty bodies undertaking country visits participated in this process, including the Subcommittee on Prevention of Torture.

I. Treaty bodies and the Sustainable Development Goals

26. The Chairs welcomed the briefing provided by the OHCHR New York Office on the interlinkages between the work of the treaty bodies and the Sustainable Development Goals (SDGs) and took note of the practices of some Committees of including references to the SDGs in their lists of issues, lists of issues prior to reporting and concluding observations as well as of efforts to integrate the SDGs in their reporting guidelines.

J. Human rights of young persons

27. The Chairs recognized that the rights of young persons are protected under all international human rights treaties and recalled that all treaty bodies protect the human rights of young persons under their respective mandates.

K. Global Compact on Migration

28. The Chairs acknowledged the reassertion by Member States of their obligations under international human rights law in the New York Declaration (General Assembly resolution 71/1 of 19 September 2016). They stressed that the Global Compact on Migration, which is currently being negotiated as an outcome of the Declaration, must be grounded in and guided by, existing international human rights norms and standards. They noted that while treaty bodies are encouraged, in accordance with their mandates, to support the State-led preparatory process for the Compact, their direct engagement has not to date been sought. In order to further the capacity of the Compact to protect and promote the human rights of all migrants, the Chairs urged that the treaty bodies be invited to participate in and contribute to all the consultations and ongoing processes.

L. Agenda, location and Chair of the thirtieth meeting of treaty body Chairs

29. The Chairs decided to include the following items on the agenda of their thirtieth annual meeting:

(a) Follow-up to General Assembly resolution 68/268;

(b) 2020 review of the treaty body system by the General Assembly;

(c) Follow-up to concluding observations, decisions and Views;

(c) Reporting compliance by States parties;

(d) Implementation of the Addis Ababa guidelines;

(e) Implementation of the San José guidelines;

(f) Treaty bodies and the Sustainable Development Goals;

(g) Inquiries;

(h) Additional issues arising in the work of the treaty bodies;

(i) Any other business.

30. The Chairs recalled that, in the light of General Assembly resolution 68/268, and in particular of the call by States parties to strengthen interaction with them in New York and of the 2020 review of the resolution by the Assembly, they had decided at their twenty-eighth meeting to hold the annual Chairs’ meetings leading up to 2020 in New York. In that context, they also reiterated the wish to strengthen their relationship with the Secretary-General.

31. The Chairs decided that, in accordance with the principle of rotation, the Chair of the thirtieth meeting of Chairs in 2018 would be the Chair of the Committee on the Elimination of Racial Discrimination and the Vice-Chair would be the Chair of the Committee on the Elimination of Discrimination against Women.