**Annex II**

**Human Rights Committee**

**Summary of Position Paper on 2020 as Updated in the 126th Session**

In its 125th Session (March 2019), the Human Rights Committee reviewed a position paper drafted by Yuval Shany, the Committee’s focal point for the 2020 review of Resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system as a unique opportunity to take stock of progress already made by the system since 2014, and adopted recommendations intended to implement it. The key elements endorsed by the Committee, were reflected by the Chair of the Committee during the meeting of the Chairs of the Treaty Bodies in their 31st meeting (June 2019).

Here are key elements of the position paper, brought to the attention of States and other stakeholders for their information:

*General issues*

 The Committee plans to adopt new measures designed to further implement Resolution 68/268. The positive impact of these measures was greatly enhanced by the adoption of the shared vision document adopted by the Chairs of the Treaty Bodies in their 31st meeting (June 2019). The Committee also notes favorably the non-paper circulated by the permanent mission to the UN of Costa Rica and 44 other States, which contains many ideas which coincide with the vision of the Chairs and the position of the Committee.

 This position paper is based on the funding formula agreed upon by the GA in connection with Resolution 68/268 with some minor adjustments.

*Individual communications*

 The backlog in communication can be addressed within the existing budgeting formula of meeting weeks, provided that adequate resources for staffing is provided. In anticipation of the provision of adequate resources, the Committee has already put in place new procedures, including hearing communications in chambers and fast-processing ‘repetitive’ communications, so as to allow it to significantly increase its annual output of Views (see also segment on ‘review capacity of the treaty bodies’ in the Chairs’ vision document).

*Simplified Reporting*

 The Committee decided in its 124th session to adopt simplified reporting (list of issues prior to reporting) as a permanent feature of its procedures, and to encourage all member States to switch to simplified reporting. It also decided to strive to limit the number of questions in each list of issues to 25 questions. The Committee is ready to introduce simplified reporting for initial reports as well, and to shift from an opt-in model of simplified reporting to an opt-out model (thereby ‘nudging’ States to adopt simplified reporting)(see segment on ‘Simplified Reporting Procedure’in Chairs’ vision document).

 To accommodate these changes, small adjustments to the funding formula are recommended for covering the additional research time required for the secretariat to prepare draft lists of issues, which are not based on an existing State reports – especially in the case of non-reporting States. The additional funding required for greater staff support would be, however, set-off over time by the significant cost-saving associated with the reduction in the number of pages and documents that require translation under the simplified reporting process into the working languages of the Committee. Thus, in the long run, such measures are expected to be budget-neutral.

 The Committee recommends, that, in the future, the funding formula will be based on the number of actual State reviews conducted by the Committee every year, and not on the basis of reports or replies to the list of issues submitted, so as to allow the Committee to effectively review non-reporting and late-reporting States.

*Increased coordination with other treaty bodies*

 Paragraph 34 of Resolution 68/268 calls on treaty bodies to increase the coordination and predictability of the reporting process. The Committee has already adopted in this regard certain measures, including embarking on a comprehensive study of the formulation of lists of issues, with a view to decreasing unnecessary overlap with the work of other treaty bodies. It also developed a practice of considering the recommendations of other treaty bodies when formulating its own concluding observations (and general comments). Furthermore, the Committee has embarked with the Committee on Economic, Social and Cultural Rights on a ‘pilot’ program of a coordinated preparation of list of issues for States scheduled to report in the same year before the two Committees, and consultations between Committee members involved in the drafting of concluding observations for States reviewed ‘back-to-back’ before the two Committees. The Human Rights Committee looks forward to continue the collaboration with the Committee on Economic, Social and Cultural Rights and with other Committees (see also segments on ‘Reduction of unnecessary overlap’ and ‘Reports’in the Chairs’ vision document).

*Predictable review cycles*

 The Committee plans to move in 2020 to a predictable review cycle in order to improve predictability in reporting and to ensure regular reporting by all States, including currently non-reporting and late reporting States. Such a review cycle is largely based on the existing capacity of the Committee and is covered by the existing funding formula. Some extra secretariat support may be needed, for a short transitional period, to facilitate the move to a predictable review cycle (see segment on ‘timing of reviews’ in the Chairs’ vision document).

 The Committee is pleased that the Chairs’ vision document supports the approach that treaty bodies should work according to a predictable review cycle. This would increase the opportunity for the treaty bodies to coordinate their lists of issues prior to reporting and the reviews, to ensure a rational application of the reporting burdens of States, and facilitating more efficient ‘division of labor’ across the treaty body system as a whole. (see segment on ‘reporting cycle’ in the Chairs’ vision document).

 The Human Rights Committee’s predictable review cycle would be based on a 5-year review process, and a 3-year interval after one review process is concluded and the next review process commences (resulting in full 8-year cycles). Table 1 describes the review process for States operating under simplified reporting and Table 2 for States operating under the ‘standard’ reporting system. According to the predictable review cycle, all States parties would be divided into 8 groups of 21-22 States each, and the 5-year reporting process would start for each group on a different reporting year. Note that States are almost certainly expected to be reviewed in the 3-year interval between review processes by other treaty bodies (as well as regional bodies and the Universal Periodic Review). In the event of new ratifications, the new States will be gradually introduced into the predictable review cycle, and the annual targets would change accordingly.

 Follow up review to concluding observations is envisioned as part of the reporting process, and as an important element which allows the Committee to introduce an 8-year review cycle (and correspondingly, to alleviate the reporting burdens on States), without undermining the monitoring of urgent implementation challenges. The Committee is of the view that the work of the secretariat associated with the preparation of draft follow-up reports should be calculated and budgeted, and introduced in the post 2020 funding formula (see also segment on ‘follow up’ in the Chairs’ vision document).

*Other creative measures*

 The Committee welcomes other ideas raised by the Chairs of treaty bodies, individual treaty body members, States and other stakeholders, designed to further enhance the implementation of the Covenant, including the conduct of *in situ* reviews, dialogues with States parties concerning their reports at a regional level, and clustered reviews, provided that they can be implemented in a manner that does not interfere with funding for the core activities of the treaty bodies (see also segments on ‘review capacity of the treaty bodies’ and ‘reviews in the region’ in the Chairs’ vision document).

**Recommendations adopted by the Committee in the 125th session:**

1. The Committee has decided, subject to evaluation of resource implications and the attainment of the necessary staff support, to move for a predictable review cycle based on the simplified reporting procedure in 2020 (including resort to simplified reporting for initial reports and change to an opt-out model for simplified reporting).

2. The secretariat, with the help of the Committee, should take suitable measures to secure the necessary funding or staffing for the Committee’s transition to the predictable review cycle.

Table I – reporting process for States parties adhering to simplified reporting procedure

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
| List of issues prior to reporting | Replies to list of issues prior to reporting | Periodic review (if needed, in the absence of replies) |  | Follow-up on concluding observations |

Table 2 – reporting process for States parties adhering to the standard reporting procedure

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
| Periodic report | List of issues and  Replies to list of issues | Periodic review (if needed, in the absence of report and/or replies to the list of issues) |  | Follow-up on concluding observations |

**PREDICTABLE REVIEW CALENDAR**

**YEAR 1 (2020)**

1. Bolivia (Plurinational State of) (4th)

2. Botswana (2nd)

3. Chad (3rd)

4. Dominica (1st)

5. Finland (7th)

6. Germany (7th)

7. Haiti (2nd)

8. Israel (5th)

9. Japan (7th)

10. Kenya (4th)

11. Nicaragua (4th)

12. Peru (6th)

13. Philippines (5th)

14. Portugal (5th)

15. Sri Lanka (6th)

16. Togo (5th)

17. Trinidad and Tobago (5th)

18. Tunisia (6th)

19. Ukraine (8th)

20. Uruguay (6th)

21. Uzbekistan (5th)

**YEAR 2 (2021)**

1. Afghanistan (3rd)

2. Armenia (3rd)

3. Brazil (3rd)

4. Cambodia (3rd)

5. Chile (7th)

6. Cyprus (5th)

7. Grenada (1st)

8. Hong Kong, China (4th)

9. India (4th)

10. Iraq (6th)

11. Ireland (5th)

12. Latvia (4th)

13. Lesotho (2nd)

14. Macau, China (2nd)

15. Qatar (1st)

16. Panama (4th)

17. Russian Federation (8th)

18. Seychelles (1st)

19. Somalia (1st)

20. Turkey (2nd)

21. United States of America (5th)

22. Venezuela (Bolivian republic of) (5th)

**YEAR 3 (2022)**

1. Burkina Faso (2nd)

2. Burundi (3rd)

3. Congo (3rd)

4. Croatia (4th)

5. Gabon (3rd)

6. Guinea-Bissau (1st)

7. Guyana (3rd)

8. Indonesia (2nd)

9. Iran (Islamic Republic of) (4th)

10. Kyrgyzstan (3rd)

11. Libya (5th)

12. Maldives (2nd)

13. Malta (3rd)

14. Montenegro (2nd)

15. Nepal (3rd)

16. Republic of Korea (5th)

17. Sierra Leone (2nd)

18. Spain (7th)

19. Syrian Arab Republic (4th)

20. United Kingdom of Great Britain and Northern Ireland (8th)

21. Yemen (6th)

22. Zimbabwe (2nd)

**YEAR 4 (2023)**

1. Albania (3rd)
2. Azerbaijan (5th)
3. Canada (7th)
4. Cote d’Ivoire (2nd)
5. Democratic People’s Republic of Korea (3rd)
6. Ecuador (7th)
7. Egypt (4th)
8. Eritrea (1st)
9. Ethiopia (2nd)
10. Fiji (1st)
11. France (6th)
12. Georgia (5th)
13. Greece (3rd)
14. Iceland (6th)
15. Malawi (2nd)
16. Mozambique (2nd)
17. North Macedonia (4th)
18. Sao Tome and Principe (1st)
19. Timor Leste (1st)
20. Thailand (3rd)
21. United Republic of Tanzania (5th)
22. Zambia (4th)

**YEAR 5 (2024)**

1. Andorra (1st)

2. Argentina (6th)

3. Austria (6th)

4. Benin (3rd)

5. Bosnia and Herzegovina (4th)

6. Cameroon (6th)

7. Colombia (8th)

8. Costa Rica (7th)

9. Denmark (7th)

10. Ghana (2nd)

11. Italy (7th)

12. Kazakhstan (3rd)

13. Kuwait (4th)

14. Mali (3rd)

15. Mongolia (7th)

16. Morocco (7th)

17. Namibia (3rd)

18. Poland (8th)

19. Rwanda (5th)

20. Slovenia (4th)

21. South Africa (2nd)

22. Suriname (4th)

**YEAR 6 (2025)**

1. Antigua and Barbuda (1st)
2. Bangladesh (2nd)
3. Belarus (6th)
4. Democratic Republic of the Congo (5th)
5. Dominican Republic (7th)
6. Eswatini (2nd)
7. Guatemala (5th)
8. Honduras (3rd)
9. Hungary (7th)
10. Jamaica (5th)
11. Jordan (6th)
12. Luxembourg (4th)
13. Madagascar (5th)
14. Monaco (4th)
15. Pakistan (2nd)
16. Republic of Moldova (4th)
17. San Marino (4th)
18. Serbia (4th)
19. Slovakia (5th)
20. Sweden (8th)
21. Turkmenistan (3rd)
22. Uganda (2nd)

**YEAR 7 (2026)**

1. Algeria (5th)

2. Australia (7th)

3. Bahamas (1st)

4. Bahrain (2nd)

5. Barbados (4th)

6. Belize (2nd)

7. Djibouti (2nd)

8. El Salvador (8th)

9. Guinea (4th)

10. Gambia (3rd)

11. Lao People’s Democratic Republic (2nd)

12. Lebanon (4th)

13. Liberia (2nd)

14. Lithuania (5th)

15. Mauritius (6th)

16. New Zealand (7th)

17. Norway (8th)

18. Romania (6th)

19. Samoa (1st)

20. State of Palestine (1st)

21. Sudan (6th)

22. Switzerland (5th)

**YEAR 8 (2027)**

1. Angola (3rd)
2. Belgium (4th)
3. Bulgaria (5th)
4. Cabo Verde (2nd)
5. Central African Republic (4th)
6. Czech Republic (5th)
7. Equatorial Guinea (2nd)
8. Estonia (5th)
9. Liechtenstein (3rd)
10. Marshall Islands (1st)
11. Mauritania (3rd)
12. Mexico (7th)
13. Netherlands (6th)
14. Niger (3rd)
15. Nigeria (3rd)
16. Papua New Guinea (1st)
17. Paraguay (5th)
18. Saint Vincent and the Grenadines (3rd)
19. Senegal (6th)
20. Tajikistan (4th)
21. Vanuatu (1st)
22. Vietnam (4th)