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**Thirty-first meeting of Chairs
of the human rights treaty bodies**

New York, 24-28 June 2019

Item 7 of the provisional agenda

**Progress made in the alignment of working methods**

**and practices of the treaty bodies, including with regard**

**to the simplified reporting procedure**

 Workshop on the simplified reporting procedure

 Note by the Secretariat

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| *Summary* |
| As a means of aligning working methods and generalising good practices among the different treaty bodies, pursuant to General Assembly resolution 68/268, a two day workshop was convened by the Human Rights Treaties Branch of OHCHR, in cooperation with the Geneva Academy of International Humanitarian Law and Human Rights on 10 and 11 December 2018. The present Secretariat note provides an overview of key issues discussed during the event. |
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 I. Introduction

1. The General Assembly in its resolution 68/268 encourages treaty bodies to offer the simplified reporting procedure (SRP) to States parties for their consideration and to set a limit on the number of questions in the list of issues prior to reporting (LOIPR) (para. 1). The General Assembly in the same resolution also encourages States parties to consider the possibility of using the SRP (para. 2).

2. Under the standard or regular reporting procedure (RRP) the initiative/obligation for preparation of the report lies with the State party. In general, three main documents are exchanged between the State party and the Committee before the interactive dialogue takes place. Namely, the State party report, a list of issues drafted by the Committee and replies by the State to the list of issues. Under the SRP it is the Committee that prepares and adopts lists of issues (also known as LOIPR) to be transmitted to States parties prior to, and as a basis for, the preparation and submission of the State party report. Under the SRP, two main documents are exchanged between the State party and the Committee before the interactive dialogue, namely, the LOIPR drawn by the Committee, with substantive research assistance and support provided by the Secretariat, and the replies by the State which constitute the State party report.

3. The SRP is meant to assist States parties in preparing and submitting more focused reports. Eight of ten of the human rights treaty bodies offer the SRP, albeit not in an aligned fashion. The Committee on Enforced Disappearances, which does not have a periodic reporting procedure, and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which does not have a reporting procedure at all are not in a position to offer the SRP.

4. At the 30th meeting of Chairs, the Chairs welcomed the note by the Secretariat on aligning the working methods and practices of the treaty bodies (HRI/MC/2018/3). The Chairs requested the Secretariat to prepare for the 31st annual meeting documents for discussion on possible elements of a common aligned procedure for the SRP (A/73/140) with a view of further aligning their working methods and practices.

5. The two-day workshop was convened by the Human Rights Treaties Branch of the Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the Geneva Academy of International Humanitarian Law and Human Rights (Geneva Academy) on 10 and 11 December 2018. The workshop was made possible thanks to the financial support of the Permanent Mission of Germany. The closed meeting brought together up to two members from each of the nine treaty bodies that have a reporting procedure, [[1]](#footnote-2) along with OHCHR staff members and a representative from the Geneva Academy.

6 A background document, together with nine annexes, was prepared by an external consultant as a means of informing the dialogue. The background document and annexes were orally presented to the meeting participants, and made available, and also posted on a dedicated page on the Treaty Body Chairs Extranet accessible to all Committee members and HRTB staff.

7. The overall objective of the workshop was to share the experience of those Committees which are already using the SRP, and to identify good practices, and possible elements of a common aligned procedure for the SRP to inform the discussion of the Chairs at their next annual meeting. The workshop was Committee member driven with emphasis placed on encouraging free and constructive dialogue and input, including from members of the Secretariat who participated. Discussions were held under the Chatham House Rule. The different sessions of the meeting reflecting the key issues discussed summarised below were moderated by Committee members, including the wrap up of each day’s discussion. The Chief of the Groups in Focus Section and a representative from the Geneva Academy facilitated the meeting.

8. During the segment on the effective participation of civil society and national human rights institutions to be undertaken at an appropriate time so that Committees could benefit from the best possible information, the representative of the Global Alliance of National Human Rights Institutions and representatives of non-governmental organisations were invited to interact with the participants.

9. The views expressed by the participants are reflected in the summary below without aiming to be exhaustive. A number of concrete recommendations were made which are listed at the end of this note.

 II. Summary of key issues discussed

 A. General observations

10. The Director of the Human Rights Council and Treaty Bodies Division in his opening remarks asked the participants to think about ways to make the work of treaty bodies more visible and ensure that the information and processes are more accessible to the victims of human rights violations. He encouraged participants to think about ways to simplify the reporting procedures for the States. But also asked to think of the stakeholders who engage with the different Committees and how they can submit their contributions. This could be done by drawing on the best practices and experience of those Committees which are already using the SRP.

11. At the outset, two general points were made by participants. Firstly, that there is a growing demand by States parties towards broadening the range of States for whom the SRP is made available. Consequently, the question for treaty bodies is not if it should be made available, but how it should be made available. This workshop provided a good opportunity to develop a common methodology while maintaining the impact of the outputs of each Committee. Secondly, that treaty bodies and the Secretariat face capacity constraints. Indeed, the only reason that some treaty bodies limit the number of States parties to which the SRP is offered is that resources have not been provided for this additional work, which would occur in parallel to the work of regular reports already in hand. In addition, the research capacity and analysis required of the secretariat and the experts for a LOIPR versus a LOI is greater. When preparing a LOIPR the experts and OHCHR do not have a recent report by the State available as a basis on which to develop the issues and therefore this leads to an increase in the workload.. However, the financial constraint should not be an impediment to development of a common methodology. In the long-term greater coordination among treaty bodies and applying a common methodology would be beneficial for State parties and stakeholders.

 B. Criteria for the use of the simplified reporting procedure

12. It was stated that the SRP should be offered to States parties who have already submitted an initial report as the Committees can focus on the priority issues. It was also pointed out that a Committee can start offering the SRP if there is no backlog of reports. It was highlighted that there was strong benefit to ensure alignment of the methodology of offering the SRP across Committees to simply and streamline the entire treaty body system, while recognising that Committees are not at the same “point of departure” so to speak.

 C. Moving to the simplified reporting procedure

13. One Committee is offering the SRP as a default procedure, namely that a State party has to opt out as opposed to opt in. The experience shared was generally a positive one as once the Committee and the Secretariat get over the initial hurdle of preparing LOIPR throughout its reporting cycle to cover all the States that will be reviewed under the SRP most States parties are usually receptive and actually report under the LOIPR. However, it was stated that some States will continue to report under the RRP, which has to run in parallel. It was recognised that there is an initial huge investment effort to prepare the initial LOIPR, and this is currently not foreseen in the meeting time assessment and review formula provided in General Assembly resolution 68/268, which uses the historic number of reports received to determine future needs and resources, including staff. It was also stated that quantity should not comprise quality. It was pointed out that to make the SRP as the default procedure it would be necessary to have more staff to do the work, cross-fertilisation across Committees to make it easier for States parties to report, and more cost effective so that it can be introduced gradually.

 D. Information to be taken into consideration

14. In relation to the current use by Committees of the common core document, in the experience of one Committee, it decided to make as a prerequisite an updated common core document.. Other Committees shared their own experience by explaining that they do not have a consistent approach as to the use of the common core document as in most cases there was enough information already in the public domain that Committees could access. However, it was pointed out that for some States parties it was very difficult to find publicly available information, which is reliable and verifiable and the common core document was useful to get a general overview if updated. It was stated that once the priority issues are identified, the country task force can look at the issues and try to find the information, including asking the State party to focus on the priority issues, and by getting inputs from stakeholders.

15. It was suggested that a Committee should make it clear in the LOIPR that it has the flexibility to address any issue during the dialogue. This would remove some of the pressure to exhaustively cover all issues in the LOIPR. Some Committees have the practice of explaining to the State party why a new issue is raised in the dialogue. It was also stated that a database should be used to keep an overview of the Committees and States parties that are using the LOIPR, and to keep track of the LOIPR in terms of deadlines and content.

16. In relation to the need to cross-reference information, admittedly Committees noted there could be improvement in this area. Therefore, there was a need for Committees to better coordinate if a State was being reviewed by different Committees within a short time frame, for example during a two-year period. The point was also made that there is a difference between negative duplication or overlap which is unnecessary if not done on purpose and positive reinforcement or repetition which is intentional because something needs to be repeatedly highlighted.

17. It was pointed out that to ensure the effective participation of civil society and national human rights institutions, there needed to be an appropriate timeframe so that Committees could benefit from the best possible information. It was highlighted that the SRP needs to be planned in advance, be well organised, and deadlines need to be respected so that civil society can have the opportunity to submit information in advance of the adoption of the LOIPR. The input to the draft LOIPR is usually more than one year in advance of the dialogue. It was also pointed out that there needs to be another opportunity to provide input to the Committee just prior to the dialogue taking place. In most Committees, civil society has the opportunity to interact with the members either in person or remotely, through telephone, video or skype.

 E. Internal methodology, external guidelines and deadlines

18. It was thought that there needs to be a common methodology and a common website for all Committees, including deadlines for inputs by stakeholders. The methodology needs to clarify what is unnecessary overlap and what is positive reinforcement of recommendations. A standard LOIPR, and the schedule of State parties to be reviewed over two years would be important methodological tools to develop by a small group of treaty body members, for example, some of the participants, which could work inter-sessionally.

 F. Simplified reporting procedure and coordination

19. Those Committees which adopt LOIPR in a pre-sessional working group thought that this was a good practice which works well The Committee on the Rights of the Child is the only one which has a working group composed of the full membership, and its work is organised through task forces of country rapporteurs.

20. Knowledge management was also raised as an issue, as coordination requires the creation of a common electronic repository of country information,

 G. Length of questions, focus dialogue on priority issues, length of concluding observations

21. It was acknowledged that it was very challenging to limit the length of questions either in terms of a maximum number of questions, or in terms of scope. Questions include sub-questions as many of the issues are complex and need in-depth analysis.

22. There was a discussion as to the need to focus and be strategic during the SRP versus monitoring the comprehensive implementation of the treaties. It was thought that if the SRP became a default procedure, at some stage the Committees would need to do an overall review under the RRP, for example, every 10 years, or every “other” cycle.

23. The issue of focusing the dialogue was also raised and whether the dialogue could be shortened by one hour if the information requested from the State party was already provided in writing and in advance. Issues of division of labour between Committee members and the overall allocation of time during the dialogue with the State party were discussed.

24. In relation to the length of concluding observations, it was agreed that they needed to be short, concrete and implementable so that the impact of the recommendations could be measured in terms of what action the State party has taken.

 H. Current compilation of reporting guidelines of 2009, document HRI/GEN/2/Rev.6

25. The current compilation of reporting guidelines of 2009 need to be revised as they do not include treaties which entered into force since, such as the Convention on the Rights of Persons with Disabilities and the Convention on Enforced Disappearances.

26. It was thought that in addition to having new guidelines for States and stakeholders on the SRP, there was a need for new internal guidelines common to all Committees on drafting LOIPR and concluding observations in a more coordinated manner.

27. It was important for new members of Committees to receive substantive training on the methodology for both the SRP and the RRP.

 III. Recommendations by workshop participants, including identifying gaps, areas for cross-fertilization and systematizing good practice

28. **On the basis of existing practices and with a view to ensuring coherence across the treaty bodies and further align working methods and practices, the following was noted as key by workshop participants, subject to available resources.**

**(a) The SRP should be offered to those State parties which have submitted an initial report;**

**(b) Committees should reflect on what type of common core document they need with the SRP and what type of LOIPR template they can develop so that they can get the focused information they need from States;**

**(c) Committees could clarify in the LOIPR that the questions do not exhaustively cover all issues and that members have the flexibility to address any issue during the dialogue, and explain to the State party why a new issue is raised in the dialogue;**

**(d) It would be useful to have a database to keep an overview of the Committees and States parties that are using the LOIPR, and to keep track of the LOIPR in terms of deadlines, and content;**

**(e) Committees may wish to better coordinate if a State is scheduled to be reviewed by more than one Committee within a short time frame, for example during a two-year period. The aim is to avoid unnecessary duplication or overlap if not done on purpose and encourage positive reinforcement or repetition which is intentional in cases when something needs to be repeatedly highlighted;**

**(f) The entire SRP needs to be planned in advance, be well organised, and deadlines need to be respected so that all stakeholders can have the opportunity to provide information required in advance of drafting of the LOIPR. There should be another opportunity to provide input just prior to the dialogue taking place. This process should be clearly explained in a note made accessible and visible;**

**(g) It would be useful to have a common methodology for the SRP with common deadlines, and a common webpage for all Committees;**

**(h) A small group of Committee members could be constituted to work inter-sessionally, and remotely, on the schedule of reviews, standard LOIPR, and a common methodology;**

**(i) A common electronic repository of country information, could be created;**

**(j) Committees could consider having as a target a range (minimum to maximum) of questions for the LOIPR and a range of recommendations (minimum to maximum) for the concluding observations;**

**(k) The current compilation of guidelines of 2009 need to be revised to include the Convention on the Rights of Persons with Disabilities and the Convention on Enforced Disappearances which is applicable to the RRP; (see also recommendation (g) on the need to have separated common methodology and new guidelines for the SRP);**

**(l) Internal guidelines could be developed for drafting the LOIPR and concluding observations common to all Committees in a coordinated manner;**

**(m) An on-line training tool could be developed to familiarize new members of Committees on the methodology under the SRP and the RRP.**

1. Committee against Torture, Committee on Economic, Social and Cultural Rights, Committee on Enforced Disappearances, Committee on the Elimination of Discrimination against Women, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Committee on the Rights of Persons with Disabilities, Committee on the Rights of the Child, Human Rights Committee. [↑](#footnote-ref-2)