***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 [[1]](#footnote-1)***

**Update by the High Commissioner for Human Rights**

On 23 March 2022, OHCHR convened these informal conversations with Chairs of treaty bodies and up to two experts per Committee, expressing her keenness to discuss with the Chairs and experts the future of the treaty body system in light of the existential challenges it is facing, as well as the whole human rights architecture. She noted that the UN human rights mechanisms, including the treaty body system, had had a very difficult two years, but had managed to ensure business continuity, despite the many challenges the COVID-19 pandemic presented. She explained that OHCHR had adopted measures in order to also ensure, through the various phases of the pandemic, the health and well-being of staff, members of treaty bodies and delegates. While OHCHR was still learning further lessons from the past months, it had worked to improve tools available to treaty bodies, including by investing in modern conferencing and technically upgrading the conference rooms in Palais Wilson to support on-line platforms with simultaneous interpretation.

The High Commissioner recalled that when she met the Chairs in November 2021, she had called on the Chairs to further discuss in the respective Committees the proposal put forward by the Committee on the Rights of Persons with Disabilities, and to share their feedback/ proposals on the follow-up to the treaty body review. She noted with appreciation that all Committees had advanced concrete substantive proposals, which have several commonalities. She expressed her full support and encouragement for bringing about much needed changes to enhance the way the treaty body system works and is fit for purpose in today’s challenging context, meeting the needs and expectations of States and other stakeholders. She expressed her hope that with the support of the Office, the Committees would progressively consolidate a unified proposal, taking into account the three key issues identified by the co-facilitators of the treaty body review: namely, the predictable review cycle, the alignment of working methods and the digital shift to better support treaty body work. [[2]](#footnote-2)

The High Commissioner highlighted that the next Secretary-General’s report, to the 77th session of the General Assembly, provides a critical opportunity to present a unified proposal, including needed adjustments to the funding formula contained in General Assembly resolution 68/268 in order to reflect the realities and the actual needs of the treaty body system and of OHCHR in supporting their work. The High Commissioner recalled that the financial resources to the treaty body system have not kept pace with the increased workload, especially in the area of individual communications and urgent actions and that OHCHR staff was struggling to meet competing and urgent demands, as confirmed by the OIOS audit conducted in 2021. [[3]](#footnote-3) She emphasized that treaty body chairs and experts had an opportunity that should not be missed to reach a common understanding to enable OHCHR to submit a costed model that makes an objective case for the necessary resources. The High Commissioner explained that OHCHR remained committed to reinforce information sharing and communication with all Committees, noting the central role of human rights mechanisms, including the treaty body system, should play in a global context that is becoming increasingly polarized.

In their presentations and ensuing moderation of the discussions, [[4]](#footnote-4) OHCHR senior managers indicated that States, NGOs and other stakeholders had expressed expectations, particularly in terms of reporting predictability, harmonisation of working methods, avoiding unnecessary duplication and expanding simplified reporting procedures. [[5]](#footnote-5) OHCHR indicated that eight years of implementation of the landmark General Assembly resolution 68/268 had generated a wealth of lessons learned that were regularly captured in the Secretary-General’s reports on the status of the treaty body system.[[6]](#footnote-6) The COVID-19 pandemic phase had also demonstrated the risks of the treaty body system being paralysed when it is most needed. OHCHR managers prepared specific questions after each presentation they provided to help the informal conversations to proceed in a dynamic, interactive and fruitful manner.

**Predictable schedule of reviews/calendar**

Based on the Chairs’ agreed vision adopted at their 31st annual meeting of June 2019, [[7]](#footnote-7) the Committee on the Rights of Persons with Disabilities (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]](#footnote-8)

The Human Rights Committee (HRCttee), Committee on Economic Social and Cultural Rights (CESCR), Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee on Migrant Workers (CMW), and the Committee on the Elimination of Racial Discrimination (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). Members of the Committee against Torture (CAT) reiterated that the Committee is 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, enabling the treaty bodies to consider country-specific developments, including requests by States Parties for rescheduling reviews due to unforeseen circumstances. 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.

**Focused Review**

The Committees’ views on the “Focused Review” varied considerably at the beginning of the informal conversations convened by OHCHR. Several experts expressed reservations about the Focused Review, noting that there was scepticism about its practicality as regards logistics and financial needs of this procedure, and that human resources would have to be increased to support any Focused Review and follow-up procedures. The view was expressed that the objective of the Focused Review would be to have increased contact with stakeholders, and this process should not be online. Several experts noted that the Focused Review remains unclear as a concept and suggested that its aims could be pursued through strengthening of the follow-up procedures.

**Follow-up procedures**

Regarding the follow-up procedures, some experts noted that they already had follow-up procedures that worked well. One view expressed was that a Committee had started considering the follow-up in the mid-term as an addition, which would strengthen the mandate, and the Committee would not object if the follow-up procedure becomes the intermediary review. Several experts agreed that the provision of adequate resources to the follow-up procedures was important, while one expert also requested clarity on how many additional weeks of meeting time would be necessary for the follow-up procedure to become a structured harmonized review by all treaty bodies.

During the conversation, a consensus emerged towards dropping the notion of “Focused Review” and replacing it by the clearer term of “Follow-up Review”. A “Follow-up Review” would constitute an intermediary review between two full reviews over an eight-year cycle. While drawing on the current follow-up procedures, its harmonized modalities would need to be further defined. 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 cost saving was not the driving factor behind the treaty body strengthening process, it was underlined by OHCHR that the intermediary review should be lighter than a full review. This would help ensure that the required additional resources would be at a reasonable level, both in terms of experts’ availability for additional meeting time [[9]](#footnote-9) and in terms of total cost of the treaty body system.

OHCHR emphasized that lessons learned from the COVID-19 pandemic confirmed that a digital uplift could and should support in-person meetings and the treaty body system’s effectiveness, given that meeting time cannot increase indefinitely. OHCHR clarified that that the digital uplift did not signify a replacement for in-person meetings. A related issue that remained unsettled in this respect, and OHCHR committed to continuously raise it with States, was the compensation for treaty body experts’ work on-line. [[10]](#footnote-10)

**Harmonization of working methods**

Regarding harmonization of working methods, treaty body experts expressed a variety of views during the informal conversations. The general feeling among experts was that satisfactory progress had been achieved in a number of areas. Discussions revolved around the two notions of specificities and flexibility. The view was expressed that the Committees are doing their utmost to harmonize working methods, and it was also noted that it was the treaty body system’s responsibility to act in common with the support of OHCHR. Several experts broadly felt that those processes that could be changed by all treaty bodies were to an extent implemented. Others agreed 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. One expert noted that flexibility needed to be kept when harmonizing working methods, and other experts highlighted that proper funding must be allocated to the harmonization processes because it requires experts’ time and staff support.

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. There was one request for the budget of the eight-year predictable review cycle, and it was noted that the treaty bodies had been working together - online and offline - on harmonization for a while already.

OHCHR made a presentation about the variations in working methods,. [[11]](#footnote-11) Existing doubts about the decision-making role of the Chairs were mentioned as an obstacle, as well as the insufficient time during sessions to discuss working methods, which should be a permanent work in progress for constant improvement towards effectiveness, and increasing synergies.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. [[12]](#footnote-12)

**Reasonable accommodation**

The Chair of the Chairs meeting outlined the current framework which was the United Nations Disability Inclusion Strategy intended to enable persons with disabilities to participate on an equal basis with others in the work of the United Nations. The framework had two aspects; accessibility and reasonable accommodation, both being legal obligations embedded in the Convention on the Rights of Persons with Disabilities. Accessibility involved measures to ensure that persons with disabilities have access, on an equal basis with others, to the premises, to information and communications, including information and communications technologies and systems, and to other facilities and services. Reasonable accommodation involved some modifications and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that a person with a disability could fully participate on an equal basis with others. She explained that reasonable accommodation was an individualized process that was part of the definition of non-discrimination. She highlighted that the current framework was insufficient as it would not allow for individualized responses to people’s needs to ensure that they can participate on an equal basis with others. She added that what was needed was a mechanism by which an individual could explain what their requirements were to participate on an equal basis with others, and if they were not met, that a complaint mechanism needed to be put in place so that it could independently assess whether the process had been reasonable. She stated that the framework of reasonable accommodation had 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, she highlighted that in the future as more experts with disabilities join the treaty bodies, these mechanisms now needed to be formalized, in order to meet the legal obligations under the Convention.

**Backlog**

In the discussions, experts expressed concern regarding the backlog of State party reviews overall due to the COVID 19 pandemic, while others focussed more on the backlog of petitions (please see section below on Petitions). OHCHR indicated that the current backlog of reports was 441 as of 31 December 2021, which is 45% higher than the amount of 304 pending reports as of 31 December 2013, when the treaty body strengthening process started, and 71% higher than the amount of 258 pending reports as of 31 December 2015, when General Assembly resolution 68/268 was adopted. This figure is to be added to the individual communications and urgent actions backlog. OHCHR expressed its view that dealing with the backlog of reports would be better achieved in the framework of a larger vision for the future, in the sense that it could be integrated into the predictable review calendar that should start by reports submitted but not yet reviewed.

**Petitions**

Several treaty body experts shared their concerns with regard to the treaty bodies’ work on petitions. They stressed the importance of the work that the Petitions Section, and the severe overload of work it 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.

OHCHR’s presentation on petitions clarified that the formula of resources contained in General Assembly resolution 68/268 was not implemented in relation to petitions’ workload. [[13]](#footnote-13) In addition, the number of individual communications registered increased from 307, as at 31 December 2015, to 399 as at 31 December 2021, representing an increase of 30%. The individual communications pending review increased from 769 on 31 December 2015 to 1,800 on 31 December 2021, representing an increase of 134%. 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.

**Human and financial resources, budget**

Most experts expressed serious concern regarding the budget allocated to the treaty bodies and highlighted that the treaty body system would need additional financial resources in order to fulfil its mandates which are legally binding as a matter of human rights treaty law. A number of experts suggested that the 4th Secretary General’s report should include concrete and specific budget proposals and expressed the need for sufficient financial resources for the petitions system and follow-up, as well as for digital tools.

**Improved information sharing between treaty body members and OHCHR**

Treaty body experts expressed appreciation for the CTMD Director’s communications sent in the last months, highlighting that the Committees needed a more open way of communication via email and through meetings, such as the informal conversations organized. It was also suggested that when a Committee is in session in Geneva, there should be direct exchanges with senior management on current issues,

The Geneva Academy communication platform was seen by some expertsand by OHCHR, as an innovative and useful IT tool for exchanges among experts that would undoubtedly enhance the effectiveness of the treaty body system as a whole, particularly in terms of synergies on substantive and methodological issues. OHCHR senior managers also committed to identify and propose improvements in the frequency and substance of communications with treaty body experts.

**Digitalization**

The discussion provided an opportunity to clarify misconceptions regarding the digital uplift. Several experts reiterated that the digital uplift would be critical to support the work of all treaty bodies. It was noted that individual communications should be a priority area for this digital transformation and further clarification was sought around the term “transformation” which is an Office wide endeavour. Others highlighted the importance of taking advantage of the opportunity that the digital shift could offer to treaty bodies, including some of the lessons learned from the online work carried out during the pandemic, suggesting that the UN should internalize digital mechanisms in all its aspects. Others agreed that some of the positive digital developments that help enhance the work of the treaty bodies should be further perused and enhanced. Several experts noted that the digital system should not replace in-person meetings. Some experts flagged problems with the new OHCHR website.

**Conclusions**

**The informal conversations provided for a timely opportunity to exchange constructively , in view of the forthcoming Chairs’ meeting (30 May – 3 June 2022). Progress towards a common position was made in several critical areas, with wide support being expressed for an eight-year predictable cycle for full reviews, coupled with follow-up reviews in between. This and other concrete proposals will help treaty bodies and OHCHR to advance together in achieving concrete results, with States and other stakeholders support, towards the trengthening the treaty body system in a sustainable and efficient manner.**

1. These conversations were initiated and moderated by OHCHR. This non-exhaustive summary reflects the understanding of OHCHR of the discussions held during the informal conversations, and as serves as reference for OHCHR as the convener of these conversations. The summary attempts to capture what participants expressed during the conversations that there seemed to be an “emerging consensus”. The summary is prepared to assist the Chairs in the process of translating their vision agreed in June 2019 into concrete models to be costed by OHCHR and considered by States.

   OHCHR and considered by States. [↑](#footnote-ref-1)
2. See, [A/75/601](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/321/62/PDF/N2032162.pdf?OpenElement), para.s 19, 22, 35-36, 56, 62, 66. [↑](#footnote-ref-2)
3. See [A/76/197](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/228/56/pdf/N2122856.pdf?OpenElement) mandated by [GA res. 75/252](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/002/66/pdf/N2100266.pdf?OpenElement) para. 54. [↑](#footnote-ref-3)
4. See OHCHR’s presentations on [Chairs extranet, 34th session](https://extranet.ohchr.org/sites/TBChairpersons/Sessions/34/Pages/default.aspx) [↑](#footnote-ref-4)
5. See [Letter from a group of 46 States (2 June 2021)](https://www.ohchr.org/sites/default/files/Documents/HRBodies/Annual-meeting/Letter-group-46-States-2June2021.pdf) and [Note verbale and letter from the African Group (8 June 2021)](https://www.ohchr.org/sites/default/files/Documents/HRBodies/Annual-meeting/NV-letter-AfricanGroup-to-Chairs-8jun21.pdf) on the webpage of [Chairs of treaty bodies webpage, 33rd meeting](https://www.ohchr.org/en/node/102109). [↑](#footnote-ref-5)
6. See [treaty body strengthening](https://www.ohchr.org/en/treaty-bodies/treaty-body-strengthening) and three reports of the Secretary-General on the status of the treaty body system, [A/71/118](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/203/92/pdf/N1620392.pdf?OpenElement), [A/73/309](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/252/07/pdf/N1825207.pdf?OpenElement), [A/74/643](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/008/12/pdf/N2000812.pdf?OpenElement). The fourth Secretary-General’s report on the status of the treaty body system could focus on transmitting the hopefully agreed models in implementation of the co-facilitators recommendations and the 2019 Chairs vision. [↑](#footnote-ref-6)
7. See [A/74/256](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/237/65/pdf/N1923765.pdf?OpenElement), Annex III. [↑](#footnote-ref-7)
8. See [Proposal by the Committee on the Rights of Persons with Disabilities (3 August 2021)](https://www.ohchr.org/sites/default/files/Documents/HRBodies/Annual-meeting/Proposal-CRPD-3August2021.docx). [↑](#footnote-ref-8)
9. In the [Chairs vision of June 2019](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fMCO%2f31%2f31309&Lang=en), the Chairs agreed that “Committee memberscannot be expected to contribute more than three months a year of their time (that is, a maximum of three sessions of four weeks each)”. [↑](#footnote-ref-9)
10. After the informal conversations, several Chairs suggested to add budgetary issues, including in relation to the backlog of reports and individual communications, to the agenda of the 34th Chairs meeting. [↑](#footnote-ref-10)
11. See footnote 4. [↑](#footnote-ref-11)
12. See [General Assembly resolution 68/268](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/53/pdf/N1345553.pdf?OpenElement), 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](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/237/65/pdf/N1923765.pdf?OpenElement), 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](https://www.ohchr.org/en/treaty-bodies/treaty-body-strengthening-outcome-documents-reports-and-statements), 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>). [↑](#footnote-ref-12)
13. See Secretary-General’s report on the status of the treaty body system, [A/74/643](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/008/12/pdf/N2000812.pdf?OpenElement), para. 43. [↑](#footnote-ref-13)