



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

10 February, 2014

Excellency,

I have the pleasure to transmit herewith a letter, dated 8 February 2014, from HE. Ms. Gréta Gunnarsdóttir, Permanent Representative of Iceland and H.E. Mr. Mohamed Khaled Khiari, Permanent Representative of Tunisia, the Co-Facilitators for the intergovernmental process of the General Assembly on “Strengthening and enhancing the effective functioning of the human rights treaty body system”.

In this regard, I am honoured to share with Member States a copy of the final text (attached to the Co-Facilitators letter) of the inter-governmental negotiation process. Please note that the draft text is subject to silent procedure until Tuesday, 11 February 2014, at 1:00 pm New York time.

Following the expiration of the silent procedure, I intend to submit the draft resolution for processing and follow up action by the General Assembly.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "John W. Ashe".

John W. Ashe

To All Permanent Representatives
and Permanent Observers
To the United Nations
New York



PERMANENT MISSION
OF ICELAND TO THE UN



Permanent Mission
of Tunisia to the UN

8 February 2014

Excellencies,

We have the honour to refer to the intergovernmental process of the General Assembly on "Strengthening and enhancing the effective functioning of the human rights treaty body system" that we have had the honour to co-facilitate on behalf of the President of the General Assembly, based on General Assembly resolution 68/2.

We are very grateful for the constructive and cooperative feedback we received from all delegations during the informal consultations process. In formulating this draft, we have worked hard to take into consideration the various proposals and opinions expressed during the intergouvernemental process.

We believe that this final draft includes the most important and useful elements of our discussions on achieving a common understanding on strengthening and enhancing the effective functioning of the human rights treaty body system.

We would like to reiterate our gratitude for your active and constructive engagement and share with you the final draft resolution which we believe represents a balanced document taking into consideration the views and concerns expressed during the process.

We would like to inform all delegations that this text is placed under silent procedure until 1pm Tuesday, 11 February 2014.

Please accept, Excellencies, the assurances of our highest consideration.

Greta Gunnarsdottir
Co-facilitator
Permanent Representative of Iceland
to the United Nations

Mohamed Khaled Khiari
Co-facilitator
Permanent Representative of Tunisia
to the United Nations

**All Permanent Representatives and Permanent Observers
to the United Nations
New York**

Strengthening and enhancing the effective functioning of the human rights treaty body system

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights and relevant international human rights instruments,

Underlining the obligation that States have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights, including under international human rights treaties,

Recalling also Economic and Social Council resolution 1985/17 of 28 May 1985,

Recalling further its resolution 66/254 of 23 February 2012, by which it launched the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, and its resolutions 66/295 of 17 September 2012 and 68/2 of 20 September 2013, by which it extended the intergovernmental process,

Recalling its relevant resolutions on the human rights treaty bodies,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies to the promotion and protection of human rights and fundamental freedoms, including through examination of the progress made by States parties to respective human rights treaties in fulfilling their relevant obligations and by providing recommendations to such States on their implementation,

Reaffirming the importance of the independence of the human rights treaty bodies,

Reaffirming that the independence and impartiality of members of the human rights treaty bodies is essential for the performance of their duties and responsibilities carried out in line with the respective treaties and recalling the requirement that they are individuals of high moral standing serving in their personal capacity,

Recognizing further that States have a legal obligation under the international human rights treaties to which they are a party to periodically submit to the relevant human rights treaty bodies reports on the measures they have taken to give effect to the provisions of the relevant human rights treaties, and noting the need to increase the level of compliance in this regard,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing the importance of multilingualism in the activities of the United Nations, including those linked to the promotion and protection of human rights and reaffirming the paramount importance of the equality of the six official languages of the United Nations for the effective functioning of the human rights treaty bodies,

Recognizing that the current allocation of resources has not allowed the human rights treaty body system to work in a sustainable and effective manner, and in this regard recognizing the importance of providing, under the existing procedures of the General Assembly, adequate funding to the human rights treaty body system from the regular budget of the United Nations,

Recognizing also the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system,

Recognizing the importance and added value of capacity building and technical assistance provided in consultations with and with the consent of the State parties concerned to ensure full and effective implementation and compliance with the international human rights treaties,

Recalling that certain international human rights instruments include provisions regarding the venue of the meetings of the committees, mindful of the importance of the full engagement of all State parties in the interactive dialogue with the treaty bodies,

Taking note of the reports of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the human rights treaty body system,¹

Noting with appreciation the initiative and efforts of the United Nations High Commissioner for Human Rights, in the form of a multi-stakeholder consultation approach for reflecting on how to streamline and strengthen the treaty body system,

Noting that the multi-stakeholder approach consisted of a number of meetings involving representatives of Member States, treaty bodies, national human rights institutions, non-governmental organizations and academia, including events hosted by a number of Member States,

¹¹ A/66/344 and A/HRC/19/28.

Taking note of the report of the United Nations High Commissioner for Human Rights on strengthening the United Nations human rights treaty body system,² which contains recommendations addressed to different stakeholders,

Taking note also of the report of the co-facilitators on the open-ended intergovernmental process on how to strengthen and enhance the effective functioning of the human rights treaty body system,³

Expressing appreciation for the efforts of the President of the General Assembly and the co-facilitators in the framework of the intergovernmental process,

Noting the participation and contributions from Member States during the intergovernmental process, as well as experts of the human rights treaty bodies, national human rights institutions, the Office of the High Commissioner for Human Rights and non-governmental organizations,

Emphasizing that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies, and recognizing in this regard the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning,

1. Encourages the human rights treaty bodies to offer to State Parties for consideration the simplified reporting procedure and to set a limit on the number of the questions included;
2. Encourages States parties to consider the possibility of using the simplified reporting procedure when offered to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations;
3. Encourages States parties to consider submitting a common core document and to update it as appropriate, through a comprehensive document or in the form of an addendum to the original document, bearing in mind the most recent developments in the respective State party, and in this regard encourages the human rights treaty bodies to further elaborate their existing guidelines on the common core document in a clear and consistent manner;
4. Decides, without prejudice to the formulation of the annual report of each treaty body as laid out in the respective treaty, that the annual reports of treaty bodies are not to reproduce documents published separately and referenced therein;

² A/66/860

³ Number to be inserted, final report of the co-facilitators.

5. Encourages the treaty bodies to collaborate towards the elaboration of an aligned methodology for their constructive dialogue with the State parties, bearing in mind the views of States parties as well as the specificity of the respective committees and their specific mandates, with the aim of making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties;

6. Also encourages the treaty bodies to adopt short, focused and concrete concluding observations, including recommendations therein, which would reflect the dialogue with the relevant State Party, and, to this end, further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and their specific mandates, as well as the views of States parties;

7. Recommends the more efficient and effective use of the meetings of State Parties, inter alia, by proposing and organizing discussions on matters related to the implementation of each treaty;

8. Strongly condemns all acts of intimidation and reprisals towards individuals and groups for their contribution to the work of the human rights treaty bodies and urges States to take all appropriate action, consistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

9. Encourages the human rights treaty bodies to continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through their working methods, within their respective mandates, and in this regard, encourages the treaty bodies to continue to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing their effective functioning bearing in mind that these activities should fall under the provisions of the respective treaties, thus not creating new obligations for State parties;

10. Encourages States parties to continue their efforts to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular in the field covered by the relevant treaty, and, as appropriate, to consider adopting national policies or processes with respect to the nomination of experts as candidates for treaty bodies;

11. Recommends that the Economic and Social Council considers replacing the existing procedure for the election of experts to the Committee on Economic, Social and Cultural Rights with a meeting of States parties to the International Covenant on Economic, Social and Cultural Rights, while preserving the current structure, organization and administrative arrangement of the Committee as set forth in Council resolution 1985/17 of 28 May 1985;

12. Requests the Office of the United Nations High Commissioner for Human Rights to include in the documentation prepared for elections of treaty body members at meetings of States parties, an information note on the current situation with respect to the composition of the treaty body, reflecting the balance in terms of geographical distribution and gender representation, professional background, different legal systems and tenure of current members;

13. Encourages States parties to give due consideration, during the election of treaty body experts to, as stipulated in the relevant human rights instruments, equitable geographical distribution, representation of the different forms of civilization and the principal legal systems, balanced gender representation and participation of experts with disabilities, in the membership of the treaty bodies;

14. Encourages the treaty bodies to develop an aligned consultation process for the elaboration of general comments that provides for consultations with State parties in particular, and bears in mind the views of other stakeholders, during the elaboration of new general comments;

15. Decides, in line with established practice with respect to other United Nations documentation, to establish word limits (10.700 words) for all documentation produced by the treaty bodies and further recommends that word limits be applied for relevant stakeholders;

16. Also decides to establish word limits for all State party documentation submitted to the treaty body system, including State party reports, for initial reports (31.800 words), subsequent periodic reports (21.200 words) and common core documents (42.400 words), as endorsed by the treaty bodies⁴, and calls upon the treaty bodies to set a limit to the number of questions posed to focus on areas that are seen as priority issues to ensure State parties' ability to meet the abovementioned word limits;

17. Requests the Secretary-General, through the Office of the High Commissioner for Human Rights, to support State parties in building their capacity to implement their treaty obligations, and provide in this regard advisory services, technical assistance and capacity-building, in line with its mandate, in consultation with and with the consent of the State concerned, by:

(a) Deploying a dedicated human rights capacity-building officer in every regional office of the Office of the High Commissioner for Human Rights as required;

(b) Strengthening the cooperation with relevant regional human rights mechanisms within regional organizations to provide technical assistance to States for reporting to treaty bodies, including through the training of trainers;

(c) Developing a roster of experts on treaty body reporting, reflecting geographical distribution and gender representation, professional background and different legal systems;

(d) Providing direct assistance to State parties at the national level by building and developing institutional capacity for reporting and strengthening technical knowledge through ad hoc training on reporting guidelines at the national level;

(e) Facilitating the sharing of best practices among State Parties;

⁴ HRI/MC/2006/3 and Corr.1.

18. Underlines the need to provide further support to State parties inter alia, through the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and in conjunction with the provision of technical assistance, with a focus on measures building sustainable capacity in their activities to fulfil their treaty obligations, and encourages all Member States to contribute to the Fund;

19. Encourages the Office of the High Commissioner for Human Rights to work with the United Nations agencies and United Nations country teams, in line with their respective mandates and upon the request of State Parties to assist them in fulfilling their obligations under international human rights treaties, through:

(a) The provision of advisory services, technical assistance and capacity-building to State parties for the preparation of reports to treaty bodies;

(b) The development of programmatic responses, in close coordination with the relevant State parties, to support their compliance with their treaty obligations;

20. Recognizes that some State parties consider that they would benefit from improved coordination of reporting at the national level, and requests the Office of the High Commissioner for Human Rights to include among its technical assistance activities relevant technical assistance in this regard, at the request of a State party, based on best practices;

21. Encourages Member States to provide voluntary funds to facilitate the engagement of State parties, in particular those without representation in Geneva, with the treaty bodies;

22. Decides in principle, with the aim of enhancing the accessibility and visibility of treaty bodies and in line with the report of the Committee on Information on its thirty-fifth session,⁵ to establish webcasting, as soon as feasible, of the public meetings of the treaty bodies, and requests the Department of Public Information to report on the feasibility of providing, in all of the official languages of the United Nations provided in the respective committees, live webcasts and video archives that are available, accessible, searchable and secure, including from cyber-attacks, of relevant meetings of the human rights treaty bodies;

23. Requests the Office of the High Commissioner for Human Rights, with the assistance of United Nations country teams through their existing videoconference facilities as appropriate, to provide, at the request of a State party, the opportunity for members of its official delegation not present at the meeting to participate in the consideration of that State party's report by means of videoconference in order to facilitate wider participation in the dialogue;

⁵ A/68/21

24. Underlines the need for summary records resulting from the respective treaty bodies' dialogue with State parties and in this regard, decides, to issue summary records in one of the working languages and not to translate the pending backlog of summary records, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies, bearing in mind the aim to provide, through alternative methods, verbatim records of the meetings of the treaty bodies in all of the United Nations official languages;

25. Also decides that a summary record of a meeting of a State party with a treaty body, at the request of any State party, should be translated into the United Nations official language used by the relevant State party;

26. Decides that the allocation of meeting time to the treaty bodies will be identified in the following manner and requests the Secretary-General to provide the corresponding financial and human resources:

a) An allocation of the number of weeks that each treaty body requires to review the number of State parties reports it can expect annually using the average number of reports received per Committee during the period 2009-2012⁶, on the basis of an assumed attainable rate of review of at least 2.5 reports per week and where relevant at least 5 reports to the Optional Protocols per week;

b) A further allocation of two weeks of meeting time per Committee to allow for their mandated activities, plus an allocation of additional meeting time to those Committees dealing with individual communications, on the basis of each such communication requiring 1.3 hours of meeting time for review and the average number of such communications received per year by those Committees;

c) An additional margin to prevent the recurrence of backlogs is established as a target 5% increase in reporting compliance allocated among the Committees to address their expected workload, at the beginning of each biennium, with a temporary target increase of 15% for the period 2015-2017;

d) An adequate allocation of financial and human resources to those treaty bodies whose main mandated role is to carry out field visits;

27. Decides that the amount of meeting time allocated will be reviewed on a biennial basis based on actual reporting during the previous four years and amended on this basis at the request of the Secretary General in line with the established budgetary procedures and that the current number of weeks allocated on a permanent basis prior to the adoption of the current resolution will not be reduced;

28. Requests the Secretary-General accordingly to take into account the meeting time needed for the increased capacity of State parties to submit reports under the respective human rights instruments, the situation in terms of ratifications, and the number of individual communications considered, in his future biennial program budget submissions based on paragraphs 26 and 27, for the human rights treaty body system, including the specific requirements for field visits by treaty bodies mandated to carry out such visits;

⁶ Thereafter on the basis of the four preceding years for which data is available and for treaties for which the data on the incoming reports from the previous 4 years is not yet available due to more recent entry into force, the average will be calculated on the basis of the years from which the data is available.

29. Further requests the Secretary-General to ensure the progressive implementation of relevant accessibility standards with regard to the treaty body system, as appropriate, in particular within the Strategic Heritage Plan being developed for the United Nations Office in Geneva, and provide reasonable accommodation for treaty body experts with disabilities to ensure their full and effective participation;

30. Decides to allocate a maximum of three official working languages for the work of the treaty bodies, with a fourth official language provided on an exceptional basis to facilitate communication among their members as determined by the committee concerned, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies and without prejudice to the right of each State party to interact with the treaty bodies in one of the 6 United Nations official languages;

31. Requests the Secretary General to improve the efficiency of the current arrangement with regard to the travel of treaty body experts in line with section VI of resolution 67/254;⁷

32. Invites State Parties, as applicable and as an exceptional measure, and with a view to achieving greater compliance with reporting obligations by State parties and eliminating the current backlog of reports, and in agreement with the relevant treaty body, to submit one combined report to satisfy the reporting obligations of that State party to the relevant treaty body for the entire time period for which reports to that treaty body are currently outstanding at the time of the adoption of the present resolution;

33. Invites the human rights treaty bodies, as an exceptional measure, and with a view to eliminate the current backlog of reports, without prejudice to the existing practices of the human rights treaty bodies or to the right of a State party to provide, or a treaty body to request, a short addendum for the purpose of reflecting significant and relevant recent national developments, to consider all State party reports which at the date of the present resolution have been submitted and are awaiting consideration to satisfy the reporting obligation of the State party concerned to the relevant treaty body until the completion of a reporting cycle starting from the time of the consideration of the report of the State party concerned;

34. Invites the human rights treaty bodies and the Office of the High Commissioner for Human Rights, within their respective mandates, to continue to work to increase coordination and predictability in the reporting process, including through cooperation with State parties, with the aim of achieving a clear and regularized schedule for the reporting of State Parties;

35. Reaffirms the importance of the independence and impartiality of members of the human rights treaty bodies, underlines the importance of all stakeholders of the treaty body system, as well as the Secretariat⁸, respecting fully the independence of treaty body members and the importance of avoiding any act that would interfere with the exercise of their functions;

⁷ ST/SGB/107/Rev.6. A/67/995

⁸ ST/SGB/2009/6

36. Takes note of the adoption, at the twenty-fourth annual meeting of the Chairs of the human rights treaty bodies, held in Addis Ababa in June 2012, of the guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa guidelines”),⁹ which are aimed at ensuring objectivity, impartiality and accountability within the treaty body system, in full respect for the independence of the treaty bodies, and in this regard encourages the treaty bodies to implement these guidelines in accordance with their mandates;

37. Encourages the treaty bodies to continue to consider and review the Addis Ababa guidelines, inter alia, by seeking the views of State parties and other stakeholders on their development and in this regard, invites the Chairs of the human rights treaty bodies to keep State Parties updated on their implementation;

38. 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;

39. Encourages the human rights treaty bodies to strengthen the possibilities for interaction during the annual meetings of the Chairs of the treaty bodies with State parties to all human rights treaties held in Geneva and New York, with a view to ensuring a forum for an open and formal interactive dialogue in which all issues, including those related to the independence and impartiality of treaty body members, may be raised by State parties in a constructive manner;

40. Requests the Secretary-General to present to the General Assembly, on a biennial basis, a comprehensive report on the status of the treaty body system and the progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their work, including the number of reports submitted and reviewed per Committee, the visits undertaken where applicable, the individual communications received and reviewed where applicable, the state of the backlog, capacity-building efforts and results achieved, as well as the situation in terms of ratifications, increased reporting and the allocation of meeting time and proposals, including on the basis of information and observations from Member States, on measures to enhance the engagement of all State parties in the dialogue with the treaty bodies;

41. Decides to consider the state of the treaty body system no later than six years from the date of the adoption of the present resolution, to review the effectiveness of the measures taken, in order to ensure their sustainability and, if appropriate, decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

⁹ A/67/222, annex I.