

UNITED NATIONS



NATIONS UNIES

NEW YORK

OFFICE OF THE PRESIDENT OF THE GENERAL ASSEMBLY

14 February 2013

Excellency,

I have the pleasure to enclose herewith a letter and its enclosure by H.E. Ms. Greta Gunnarsdottir, Permanent Representative of Iceland and H.E. Mr. Desra Percaya, Permanent Representative of Indonesia, the Co-Facilitators of the inter-governmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, concerning the thematic discussions and informal meetings to be held on 19 and 20 February 2013.

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

A handwritten signature in black ink, appearing to read 'Zdravko Ponos'.

Zdravko Ponos
Chef de Cabinet

To All Permanent Representatives
and Permanent Observers to the United Nations



PERMANENT MISSION
OF THE REPUBLIC OF INDONESIA
TO THE UN



PERMANENT MISSION
OF ICELAND TO THE UN

New York, 13 February 2013

Excellencies,

The co-facilitators of the “Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system” will hold thematic discussions and informal-informal meetings, 19 to 20 February 2013, as laid out in our letter dated 5 February 2013. Attached is an agenda that takes into consideration the request of Member States for short and concise meetings.

As discussed at our informal meeting on 12 February 2013, please find attached three discussion notes on the issues on the agenda to assist Member States in their preparations. Also attached is a short paper prepared by the Office of the High Commissioner for Human Rights that provides answers to questions raised at our consultations in 2012 with regard to the proposal of a “master calendar”.

For further information please contact the Mission of Iceland (Mr. Vardi, email: th@mfa.is) or the Mission of Indonesia (Mr. Arief, email: arief.adnan@indonesiamission-ny.org).

We are looking forward to continue engaging with delegations on this important subject.

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

Desra Percaya
Co-facilitator
Permanent Representative of Indonesia
to the United Nations

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

To all Permanent Representatives
and Permanent Observers of the United Nations
New York

DAY ONE
Tuesday, 19 February 2013

Thematic discussions

Report to conclude observations, discussion of documentation and implementation issues

Opening
10:00 - 10:15

OPENING OF THE MEETING

Venue: CR 2 Opening of the meeting

10:15-13:00 **CONFERENCE SERVICES AND DOCUMENTATION -Treaty body specifics**

Venue: CR 2 Conference services in Geneva will provide a detailed background on their services to the treaty bodies via video-conference from Geneva.

To start immediately following-13:00

Informal-informal

To discuss replacing **summary records** with **webcasting**, **captioning** and **digital records**, **video-conferencing** availability and **other measures** to enhance the visibility and accessibility of the treaty body system

Venue: CR 2

13:15 - 14:15 **LUNCH**

Continued -
16:00

Informal-informal

To discuss replacing **summary records** with **webcasting**, **captioning** and **digital records**, **video-conferencing** availability and **other measures** to enhance the visibility and accessibility of the treaty body system

Venue: CR 2

16:00-18:00

Informal-informal

To discuss the **simplified reporting procedure**, submission of **common core documents** and regular updates, **coordinated request** for additional meeting time, **page limitations** and **reduction in annual reports** of treaty bodies

Venue: CR 2

DAY TWO

Wednesday, 20 February 2013

Informal-Informal meetings

10:00 - 11:30

THE ELECTION PROCESS

Venue: CR 4

A side discussion on proposals for policies and processes with respect to the nomination and election of experts and other issues related to the treaty bodies' election process.

11:30-13:00

Informal-informal

Venue: CR 4

To discuss proposals for policies and processes with respect to the **nomination and election of experts** to the treaty bodies, an **open public space** for all States parties to present their potential candidates or nominees for treaty bodies, a **handbook on expectations**, availability and required workload and a centralized treaty body **election website**

Food for Thought
Discussion Note
Wednesday, 20 February 2013

10:00-13:00 Informal-informal

Venue: To discuss replacing **summary records** with **webcasting**, captioning and digital records, **video-conferencing** availability and **other measures** to enhance the visibility and accessibility of the treaty body system
CR 4

1. Webcasting

Treaty bodies have requested the United Nations to provide webcasting services for all public meetings and videoconferencing technologies to facilitate their work and enhance their impact, including improved access, cooperation and participation, in a similar fashion as the Human Rights Council which has been webcast since 2006 on an ad-hoc basis. It has been proposed that all public meetings of the treaty bodies should be webcast, (i.e. about 903 hours per year, or 301 official meetings). This includes the consideration of States parties' reports, days of general discussion, as well as discussions on draft general comments.

The current ad hoc webcast system involves the live streaming of the conference proceedings through the Internet to United Nations Headquarters, and session/speaker-by-speaker archiving of the video footage on external servers. Each video clip is added into a Content Management System for archiving and retrieval. Webcasting is generally provided in the language of the speaker and in English.

Establishing a webcast capacity in Geneva for Treaty Bodies would involve the installation of cameras, integrated into the audio/interpretation system in meeting rooms, as well as the installation of cabling, computer equipment and software in addition to additional server capacity for archiving. At present there is no standing capacity, in either infrastructure or staffing, to provide this service at the United Nations Office at Geneva and all webcasting services provided to the Human Rights Council are handled on an ad-hoc basis.

New technologies can offer tremendous opportunities, not only in terms of increased visibility and interaction, but also in terms of impact, ownership and, ultimately enhanced implementation. Webcasting the treaty bodies' public meetings may enhance accessibility and visibility of the dialogue between States parties and treaty bodies and create a greater sense of ownership among all stakeholders. Webcasting could additionally ease follow-up and contribute to the implementation of treaty provisions and treaty bodies' recommendations while giving greater publicity to public policies.

Overview of resource implications

Under the responsibility of the Department of Public Information, the establishment of a permanent webcasting capacity that would enable the webcasting of all treaty body meetings was estimated in 2008 to entail around USD 700,000 in infrastructure/equipment costs, plus around USD 900,000 in annual recurring costs. In comparison it is worth noting that the recently approved amount for webcasting for the six Main Committees of the General Assembly was \$835,500 to cover all related costs for the biennium.

2. Summary records

Summary records are the official records of meetings compiled by precis writers dispatched by conference management. Summary records are not verbatim records but a condensed version of meeting proceedings. Treaty bodies currently have slightly different practices in regard to their entitlements and use of summary records.¹ Some treaty bodies require summary records for all meetings while others do so only for public or selected meetings. While most summary records are read only in case of particular need for clarity, certain treaty bodies use summary records routinely.

While summary records should be translated in all six official United Nations languages, the limited resources available have resulted in significant backlogs in translation. There are also audio recordings of proceedings. CEDAW decided in 2007 that its summary records are to be issued in English only. Any measures to reduce the number of languages in which summary records are currently being issued would release documentation processing capacity and improve timely issuance rates for translated documentation to the treaty bodies. CEDAW's decision was motivated by the latter.

Separate from webcasting and captioning (real-timed typed transcription of the spoken word), there are examples of other UN committees, such as the Committee on the Peaceful Uses of Outer Space in Vienna, that have opted for less expensive unedited transcripts and digital recordings instead of summary records. Such digital audio files present a fully authentic audio recording and are immediately available unlike summary records or verbatim records.

Overview of resource implications

Once webcasting equipment is installed, summary records could be replaced by indexed and searchable recorded webcasts. If captioning were provided, it would serve as a verbatim record of dialogues with States parties for those who prefer written records and the experience so far in providing captioning have proven it to be a very cost-effective solution.

If captioned webcasting (in one language) replaced summary records, the cost would be about \$1.8 million (webcasting costs already estimated above plus \$930,000 for captioning in the meetings and embedding in the webcasts) which is considerably less than the USD 15 million which was estimated for providing summary records (in three languages) under the comprehensive reporting calendar and based on the parameters of the current system. If 2 full-time editors were added to review captioned (in one language) text this would add \$ 369,000 in costs amounting to a revised total projected cost of about \$2.2 million per year under the comprehensive reporting calendar.

Alternatively, in addition to captioned webcasting, summary records might be maintained in English only. If this option were taken, the cost would amount to approximately \$ 5 million per year, assuming reduced production of paper copies in recognition of current trends for greening the UN. If going for the option of replacing summary records with maximum savings captioned webcasting, the annual cost reduction from the comprehensive reporting calendar proposal as contained in the High Commissioner's report would be \$13.1 million.

Q. Should summary records be replaced with captioned, indexed and searchable recorded webcasts?

¹ For more specific information on the current requests for summary records by respective treaty bodies, please refer to the report of the High Commissioner page 58.

3. Videoconferencing

The availability and option of video-conferencing would give the opportunity for States parties' delegations to have additional representatives from their capitals engage with the treaty bodies and benefit from the expertise and guidance of the experts, thus strengthening the participation of delegations in treaty body sessions. The increased expertise made available in real time could also enhance the ability of States to respond to questions posed by the experts during the consideration of a report and therefore improve the overall quality of the dialogue. Finally, videoconferencing would facilitate the participation of all stakeholders at all stages of the reporting process, thus building increased and sustainable capacity of all to cooperate with treaty bodies.

Overview of resource implications

Cameras installed for webcasting purposes could be used also for videoconferencing. As such, the only additional equipment that would be required to support videoconferencing would be monitors in each room to show the speakers. Videoconferencing, once established could also translate into significant cost savings for States parties in relation to travel expenses.

Q. If webcasting equipment is already available, should video-conferencing be offered to improve the interaction with the committee?

4. Other measures to enhance the visibility and accessibility of the treaty body system

The idea of the establishment of a designated communications officer to design a media and communication strategy with a view to increase the visibility and promote the enhanced profile of the treaty bodies, better dissemination of the treaty bodies' outputs and improved transparency and increased predictability which would allow for easier access to treaty body information, including for persons with disabilities, and therefore greater engagement and interaction between States and other stakeholders and the treaty bodies.

Overview of resource implications

The office of the High Commissioner has estimated that the establishment of one post at the P-3 level would be required for a Communication Officer, at an annual cost of USD 202,000. Additionally, translating and maintaining the OHCHR website (which includes the treaty body related webpages) in all six official United Nations languages will require the recruitment of six Web Content Managers (P-3) at an annual cost of about US\$ 1,212,000 and five Content Management Assistants (GS), at an annual cost of US\$ 368,000 totalling approximately US\$ 1,580,000 for staff posts per year. Resources would also be needed for contractual translation of the voluminous website content currently provided in English only. The contractual translations would amount to an initial one-off cost of approximately US\$ 310,000 to translate existing material and subsequently US\$ 435,000 per year. Future annual needs amount to US\$ 2,015,000 per year. Also, the OHCHR website needs to be made accessible for persons with disabilities, which has not been costed to date.

Q. Should OHCHR be encouraged to develop a media and communication strategy with a view to increase the visibility of the treaty bodies?

Food for Thought
Discussion Note
DAY TWO
Wednesday, 20 February 2013

15:00-18:00 Informal-informal

Venue: CR 4 To discuss the **simplified reporting procedure**, submission of **common core documents** and regular updates, **coordinated request** for additional meeting time, **page limitations** and **reduction in annual reports** of treaty bodies

1. Simplified Reporting Procedure

The proposal for a simplified and aligned reporting process is a further refinement of what was to date known as Lists of Issues Prior to Reporting (LOIPR). States parties would continue to be required to produce a comprehensive initial report if they opt for a simplified reporting procedure but it is assumed that the Simplified Reporting Procedure would remain optional. Treaty bodies would seek the agreement of States well in advance of the drafting of the "Simplified Reporting Procedure" questionnaire which will be prepared only with the formal agreement of the States concerned.

After the submission of the State party's replies, there is no need for a further request for additional information, which is traditionally conveyed by most treaty bodies through a List of Issues after States' reports are traditionally submitted, and before the consideration of its report, hence reducing the documentation and alleviating the reporting process for the Committee, the Secretariat and the State party.

After introducing this procedure on a trial basis, the Committee against Torture decided in May 2009 to maintain it on a regular basis in light of the positive feedback received and the high rate of acceptance (75 %) of the procedure by States parties. The Human Rights Committee and the Committee on Migrant Workers have also adopted the LOIPR optional procedure. To date, the CMW has also recorded a 75 % acceptance rate among the first States parties to which it has offered this option. Additionally, since CAT adopted this optional reporting procedure it has more than doubled the timely reporting compliance between 2010 and 2011 (increasing from 13 % to 31 % of reports due submitted on time).

Through their specific requests for information, the SRP questionnaire has the potential to make State parties' reports more focused, taking less time and less effort from States to respond to, and in turn impacting on the constructive dialogue and subsequently resulting in concluding observations that are more targeted, precise and implementable. By setting a limit to the number of questions (such as through a model SRP questionnaire with a maximum of 25 questions/2,500 words), they will have to be focused on areas that the concerned treaty body sees as priority issues for consideration in a given country at a given point in time. It may also be helpful for a State party to reply to a set of focused questions than to provide information on all aspects of a treaty and facilitate the distribution of tasks at the national level in respect of the preparation of State parties' reports.

Overview of resource implications

The volume of documentation requiring translation could be reduced if all treaty bodies and all States parties were to accept the proposed Simplified Reporting Procedure. This entails the acceptance that for each State party scheduled to submit a report in the following year treaty bodies would formulate a list of issues, the replies to which would constitute the report. If the

treaty bodies respect the general rule of limiting themselves to approximately 25 questions and States parties respect the page limitations of 40 pages, the estimated 60 pages per review would be reduced to 45 pages and cost reductions would amount to \$11.8 million per year compared against the projected cost for the comprehensive reporting calendar as contained in the High Commissioner's report. It would also mean assuming reduced production of paper copies in recognition of current trends for greening the UN.

To date, the List of Issues prior to reporting has already led to shorter States reports. By way of example, 20 States have submitted their report to date to the Committee against Torture under the new optional reporting procedure. The cost relating to the processing and translation of these reports amounted to \$1,480,022. Compared to the same States' reporting under the traditional procedure in the previous reporting cycle (comprising of a report and replies to a List of Issues) the costs would have amounted to \$1,719,848. This estimation is based on the experience of the early days (starting in 2007) of one treaty body while one can already see that the List of Issues prior to reporting have been somewhat reduced in size from the initial ones and there could be further savings with shorter LOIPRs and States' reports in the future.

O. Can the Simplified reporting procedure improve and facilitate the reporting of States parties on the assumption that it is on a voluntary basis?

2. Submission of Common Core Documents (CCD) and regular updates

It has been proposed to replace the submission of individual reports to each treaty body with the optional submission of a common base report that is common to all the treaties, accompanied by the Simplified Reporting Procedure. Reports presented in accordance with the harmonized guidelines, including the Common Core Documents and treaty-specific documents, will enable each treaty body and State party to obtain a complete picture of the implementation of the relevant treaties, set within the wider context of a State's international human rights obligations, and provide a uniform framework within which each committee, in collaboration with the other treaty bodies, can work.

The point has also been made that a consistent, clear policy on the use of a Common Core Document by committees would assist States parties and that standardising the use of a Common Core Document, with a treaty-specific Simplified Reporting Procedure (to date known as List of Issues Prior to Reporting (LOIPR) from respective committees), could be a good way to make the entire treaty body system more effective and efficient. The full potential of this harmonized reporting system has however not yet been reached. **Since 2006, only 58 States parties have produced a Common Core Document.** The treaty bodies have not yet evaluated the contents and use of the Common Core Document and treaty-specific documents.

Overview of resource implications

This proposal has a potential for savings. The submission of CCDs as well as regular updates, as needed, and at least every five years along for example the cycle of the Comprehensive Reporting Calendar, will allow for shorter and more targeted treaty specific documents and consequently more focused concluding observations. If a CCD update is submitted in the form of an addendum to the original CCD, this will imply savings also with respect to the processing and translation of such an update (i.e. translation of a few pages of an addendum instead of translation of a full revised CCD).

If States should update their CCD's once per cycle, with any statistical or other updates in the intervening period to be made as a brief addendum to the CCD, rather than an entirely new submission and if they provide updated reports of 60 pages, rather than 80 pages, cost reductions would amount to \$2.6 million per year, assuming reduced production of paper copies in recognition of current trends for greening the UN.

Q. Can the submissions of short, concise common core documents, that are updated with an addendum every five years, facilitate State reporting?

3. Strict adherence to page limitations

All United Nations human rights documentation, including at the General Assembly, Human Rights Council and for treaty bodies are subject to strict page limitations, with the exclusive exception of State party reports submitted to the treaty bodies. The Universal Periodic Review of the Human Rights Council has set and enforced strict page limitations (20 pages) for the reports submitted by States under that procedure. In 2006, the Harmonized guidelines on reporting under the international human rights treaties established that "if possible, common core documents should not exceed 60-80 pages, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages".

Overview of resource implications

The translation of a State party report of 60 pages into five other UN languages costs approximately \$110,000; a 100-page report \$190,000 and a 300-page report costs \$560,000. In 2011, of the 115 State parties' treaty specific documents examined by the treaty bodies, 64 % of the periodic reports considered that year exceeded the 40-page limit indicated in the harmonized guidelines and 33 % of the initial reports exceeded the 60-page limit. This amounted to a total of 2,922 pages above the limit. Had page limits been respected, in 2011 an estimated amount of USD 5,5 million in translation capacity could have been directed to the translation of other documents of the treaty bodies. It is worth noting that if States parties provided additional information in annexes to reports rather than in the report itself, taking into account that annexes are made available to the treaty bodies only in the original language as received, additional cost savings could be reached.

Q. Should State parties agree to limit the pages submitted, taking into account the different needs of State parties (for example for federal states)?

4. Annual reports of treaty bodies

The documentation requiring translation could be further reduced if the volume of the annual reports would be reduced from the estimated 500 pages per Committee, in which all separately processed concluding observations and other adopted text are currently reproduced, to a purely procedural report which would include only a reference to those documents, but not the actual texts. Supposing that such reduced annual reports were reduced to 25 pages on average, the cost reductions would amount to \$7.3 million per year, assuming reduced production of paper copies in recognition of current trends for greening the UN.

Q. Do the annual reports of treaty bodies need to reproduce information already published or is a reference document enough?

5. Coordinated request for additional meeting time

The first treaty bodies' calendars of meetings were established on the basis of reports received rather than the total number of reports due for each treaty. This has become the pattern with respect to all the treaty bodies, which has resulted in the situation where any increase in meeting time must be justified as an exception from the norm through an individual request to the third committee, rather than approved within the parameters of the normal workload of a committee deriving from its treaty mandate.

This fixes the problem in the short-term only and cumulatively will work out to be far more expensive than implementing a structured proposal. The idea that requests for adjustments of committee meeting time be addressed in a single comprehensive annual or bi-annual request would seek to introduce an element of flexibility into the current arrangement, allowing the treaty bodies to request an allocation of meeting time for each biennium based on the actual backlog of reports pending and projected rates of reporting by States. The aim would be to allow sufficient meeting time to be allocated in each biennium to prevent backlogs from becoming unmanageable. It would allow the long-term management of the workload in accordance with fluctuations in the receipt of reports and individual communications. For each biennium the situation would need to be reassessed within the context of the regular budget submission. It would eliminate the ad hoc nature of the current requests for additional meeting time, making them a permanent feature of the budgetsetting process.

Q. Is it better to address the requests of the treaty bodies for additional meeting times in a in a single comprehensive annual or bi-annual request?

Food for Thought
Discussion Note
Thursday, 21 February 2013

10:00-13:00

Informal-informal

Venue:
CR B

To discuss proposals for policies and processes with respect to the **nomination and election of experts to the treaty bodies, an open public space** for all States parties to present their potential candidates or nominees for treaty bodies, a **handbook on expectations, availability and required workload and a centralized treaty body election website**

1. Nomination and election of experts

A number of ideas have been presented on how to improve the nomination and election process of experts overall, including related to national initiatives to ensure transparency and the nomination of highly qualified experts, the election process and terms for treaty body experts. These ideas include:

- a) To adopt national policies and processes with respect to the nomination of experts as candidates for treaty body membership as national initiatives. These national policies have been suggested to include: i) That the nomination of candidates should be through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area. ii) Avoid nominations or election of experts while they are holding positions in government or any other positions that might expose them to pressures, conflict of interest or generate a real or perceived negative profile in terms of independence that could impact negatively on the credibility of the candidates personally as well as on the treaty body system as a whole.
- b) To limit the terms of service of experts to a reasonable number of terms for a respective committee, bearing in mind that the most recent treaties allow a maximum of two terms.
- c) To achieve more diverse committees through setting geographical, gender and background quotas for members, similar to UN models that allocate seats to the five regional groups. (The election to the ICC takes into account for example gender, regions and legal background of candidates).

The provisions of the treaties vary with regard to the qualifications expected of nominees.¹ Nominees must be nationals of a State party to the relevant treaty, but members of all treaty bodies serve in their personal capacity. The treaties also set out criteria to guide States parties when voting for members. In all cases, consideration must be given to equitable geographical distribution. All treaties restrict nominations to one nominee per State party, except the ICCPR which allows two nominations per State but states that the Committee may not include more than one national of the same State. The treaties also set out additional considerations to be taken into account in electing treaty body members, including representation of the principal legal systems. No treaty in force explicitly requires “gender balance” with regard to the election of experts and no quota system is in operation for any of the treaty bodies to address gender balance.

Overview of resource implications

The proposal can be implemented without the requirement of additional resources.

Q. Could the implementation of these ideas improve the nomination process and election of treaty body experts?

¹ For further analysis of geographical and gender distribution and the background of the members of the human rights treaty bodies, see SG report A/60/351 and the High commissioner report page 76.

2. Open public space for candidates

The proposal is to set up an open public space for all States parties to present their potential candidates or nominees for treaty bodies using modern technologies including social media. This space would be moderated by five former treaty body members from various professional backgrounds reflecting adequate balance in terms of sex, regions and legal systems. To ensure an objective process and respect for the independence of the system, the Meeting of Chairpersons could be entrusted with the selection of these experts.

The process could enhance the quality of information available to States parties with regard to the credentials of interested candidates or actual nominees for a seat on one of the treaty bodies. Furthermore, it could provide equal chances to all candidates including the ones from developing countries to present their candidacies.

Overview of resource implications

The proposal is expected to require the dedicated attention of one staff member at the P-4 level, supported by a GS staff member, for a total of 6 months annually to support the forum with an expected cost of USD210,000 per year.

Q. Can the open public space improve the election process, for example by providing an opportunity for those candidates that do not have the resources to travel to New York to present their candidacy?

3. A handbook on expectations, availability and required workload

OHCHR stands ready to develop a handbook with established facts and information on the elections process, conditions and other relevant requirements pertaining to membership of treaty bodies. The document would highlight practical expectations and workloads for treaty body experts. This handbook would also contain all essential practical information relating to the discharge of their functions and mandate for new and current members of Treaty bodies, such as procedures, working methods, and entitlements and expectations for members.

Overview of resource implications

The proposal can be implemented without the requirement of additional resources.

Q. Would such a handbook on expectations, availability and required workload of treaty body members assist in the national nomination process and the preparation for new members of the treaty bodies?

4. A centralized treaty body election website

A handbook on expectations, availability and required workload of treaty body members could be made available to States parties and all interested potential candidates prior to the national nomination process and the subsequent elections through a centralized and user-friendly OHCHR treaty body elections webpage. Such a webpage would provide practical information on vacancies in the treaty bodies and on forthcoming elections, and inform of candidates that have been nominated.

Overview of resource implications

The proposal can be implemented without the requirement of additional resources.

Q. Would such a centralized treaty body election website assist in the national nomination process and the selection of new members of the treaty bodies?

QUESTIONS AND ANSWERS on the Comprehensive Reporting Calendar¹

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¹ Proposed by OHCHR upon the request of the co-facilitators, answering questions raised by member States during the intergovernmental informals in New York on 16-18 July 2012.

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I. THE PROPOSAL

Q1. What is the Comprehensive Reporting Calendar?

- a. It is a proposal of the High Commissioner to group all the reporting obligations under the human rights treaties into a single five-year cycle. For a State party to all the treaties now in force, no more than two reports would be due in any given year. The Calendar would work on the basis of full adherence to the deadlines for submission as well as full adherence to the dates established for review by the treaty bodies. In this way delays in the treatment of a report from one State party would not lead to delays in the treatment of the reports of others.
- b. The respective treaty body would deal with all reports within one year of submission. Following submission, 6 months could be accorded to other stakeholders to submit supplementary information, and the following 6 months would be used by the treaty bodies to examine all information and prepare for the dialogue. The documentation services of the UN would have a total of 12 months to produce the language versions of the relevant documentation. (See Annex 1 – for States parties, the 5-year cycle is shown on the table horizontally; for the treaty bodies, the 5-year cycle follows vertically)
- c. The Calendar does not establish new reporting obligations, or require more reporting than is required under the treaties. It is merely a schedule with deadlines to make compliance with the treaties more manageable for States parties, treaty bodies and all other stakeholders
- d. This proposal also serves as a framework for all other proposals made by the High Commissioner in her report that together could considerably strengthen the effectiveness of the treaty body system. However, each of the other proposals contained in the High Commissioner's report can be acted-upon independently.

Q2. What are the origins of the proposal?

- a. During the consultations on strengthening the treaty bodies over the past three years, many stakeholders expressed the need for more stability, advance notice, and access to information about the treaty bodies' schedule of reporting, both on the deadlines for submissions and the examination of reports.
- b. In his report to the General Assembly in 2011 (A/66/344, paras. 28-30) on measures to improve further the effectiveness, harmonization and reform of the treaty body system, the Secretary-General proposed a comprehensive solution through a permanent biennial calendar based on reports due, rather than the reports submitted. In effect, he suggested that a calendar of reports due established every two years would allow every biennium budget of the United Nations to reflect a projected workload based on the levels of ratifications at that time.
- c. The High Commissioner for Human Rights developed the idea to its present form in her 2012 report on the strengthening of the human rights treaty bodies (A/66/860).

Q3. Why is there need for a Comprehensive Reporting Calendar?

- a. **The intended regularity of reporting has gone astray**
 - i. At present, the periodicities of the treaties vary from 2 years (1 treaty), 4 years (2 treaties) to 5 years (3 treaties). One is yet to be determined (CED) and two

treaties do not specify a periodicity (ICCPR and ICESCR) but their respective treaty bodies establish deadlines on an average 5-year basis, unless they believe that specific considerations justify a different deadline. Two treaties (OPs-CRC) set out a one-off reporting obligation with future reports on those treaties to be incorporated in the next reports due under the Convention on the Rights of the Child. The deadlines for reports of States parties are generally set as a function of their dates of ratification and the dates at which previous reports were considered by a treaty body, which are in turn affected by the backlogs of reports pending consideration.

- ii. The result is a chaotic schedule of reporting that does not conform to the periodicities set out in the treaties. In general, the treaty bodies do not request reports according to periodicities. Similarly, States parties do not submit reports according to those periodicities. Even by the expanded deadlines set by the treaty bodies, few States parties (approx. 16%) report on time.
- iii. The report of the High Commissioner outlines how the co-existence of these two contradictory features of the present system of low compliance and large backlogs of reports awaiting consideration have resulted in a treaty system where attention to State parties' implementation of the treaties has depended more on the willingness, rather than the obligation, to report (see A/66/860, Chapter 2). The creative solutions put into practice by the treaty bodies to deal with the situation, such as the acceptance of "combined" reports covering multiple reporting periods, have led to much longer intervals from the submission of one report to the next.

b. Long intervals exist between the submission and consideration of reports

The large backlogs of reports (many treaty bodies facing 3-4 years of delays in reviewing State party reports) have created serious frustrations and inefficiencies in the treaty system. When there is a large backlog, the national reporting institutions and civil society organisations that contribute information will have long lost momentum before the report is examined. This in turn leads to cost inefficiencies. Much of the costs of translating State party reports will be wasted, as most of the relevant information needed at the time of examination will need to be updated, in this way creating double the reporting obligation for each report. Without certainty that the next report will be considered within a reasonable timeframe, the temptation for treaty bodies to cover each State party, not with focused conclusions on major, timely issues, but comprehensively on all issues arising out of their respective treaty becomes stronger. By the same token, they will feel more compelled to follow up on reports with more requests for follow-up information, in this way creating a third parallel reporting process.

c. Resources do not match workload

At the heart of the problem is the fact that the growth of the treaty system has not been matched by the necessary resources to allow it to function properly. The increase in ratifications – a success that should be celebrated – has created increased workloads that were never systematically reviewed and resourced. The Calendar would bring the resourcing up to date with current workloads to make the treaty system viable.

d. The lack of clarity in scheduling makes preparations difficult

During the consultation process, many stakeholders shared their difficulties in keeping abreast of the scheduling of reports. While the treaty bodies generally consider reports according to the chronological order of receipt, other factors also influence the schedule. For instance, many give priority to initial reports, some try to schedule at least one report from all regions at each session, and requests for postponements by States parties can also change a schedule. The unpredictability of scheduling of the dialogues with States parties complicates the preparation of their contributions. Keeping up with the schedule of one treaty body is difficult enough; keeping up with several can for many be a daunting challenge.

Q4. What would be the advantages of the Calendar?

a. Full compliance with reporting obligations

The main benefit would be the achievement of full compliance with reporting obligations, in contrast to the present 16%. The international system of reporting that was intended to create a periodic occasion for a thorough national review of implementation of human rights obligations would take effect, ensuring sustained attention to the critical human rights issues of the day. The national dialogues triggered by the reporting obligations among the concerned ministries, civil society, and the general public that this encourages would stimulate not only greater general awareness about human rights but also concrete improvements toward their implementation, which in the end is the ultimate purpose of the international review process.

b. Predictability

The Calendar would ensure predictability to all stakeholders – States parties, the treaty bodies, and all who wish to contribute information to make each dialogue meaningful or simply follow the dialogue, including civil society organisations, national human rights institutions, and the interested public. The expectation is that a fixed calendar set out for all treaties and all States parties over the five-year cycle, made public well in advance, would considerably alleviate the many questions about scheduling and thus facilitate advance planning by all involved.

c. Equal treatment of States parties

A predictable Calendar would put into practice the principle of equal treatment of States parties, where each would be reviewed in accordance with the dates when reports are due. The present situation where approximately 20% of ratifications have not led to the submission of even an initial report would be redressed.

d. Streamlining of the reporting process

There are many features of the Calendar that could be worked out to streamline reporting, thereby reducing the effort needed to comply with reporting obligations. For example:

- It is possible to synchronise the reports due under the two Covenants, which provide for the broadest outline of the implementation of all human rights of all persons with the Universal Periodic Review (UPR) report due to the

Human Rights Council. Synchronising the reports under the Covenants with the UPR review, would ensure timely access to the findings of the treaty bodies, and enhance the quality of those discussions as a result.

- Reports could be ‘grouped’ so that reports on the treaties with the greatest substantive correlation between them would fall due in the same year. One example might be reports due on the Convention against Torture and the Convention on Enforced Disappearance. This should streamline data collection processes as similar information could serve for reporting under the two thematically-linked reports.
- A five-year cycle of treaty reporting also creates a natural incentive for States to update their Common Core Documents in five-year intervals, in which general information about the human rights framework is requested for the use of all the treaty bodies, minimizing duplication on issues of common concern.
- Both the reports and the dialogues on them could be streamlined. Treaty bodies will likely find, over time, that they do not need to cover every issue under the treaty, in the knowledge that some issues common to treaties will be dealt with at least once by another body – for example non-discrimination legislation or violence against women – given the predictability of review under all the treaties. The treaty bodies as a whole should eventually function as an organic system.

Q5. How would the Calendar complement the UPR process?

a. Substantive mutual synergies

While the treaty body system and the UPR process are quite distinct processes, both in terms of substance as well as process, the first UPR cycle has shown that the two mechanisms benefit from each other, with the recommendations of one informing the other. Synchronising the UPR and TB system would allow these benefits to be optimized.

b. Synchronisation

It would be beneficial to schedule the reports of States parties on the two Covenants (ICCPR and ICESCR) and under UPR close to each other. As noted above, this would ensure timely access to the findings of the treaty bodies, and enhance the quality of those discussions as a result. As they are the two broadest treaties setting out the basic human rights of all persons, the preparation of the reports due under them would also place at the disposal of reporting States the core elements required of them for their reports under the Universal Periodic Review procedure of the Human Rights Council, which are due every 4.5 years. Thus, for the approximately 160 States that are a party to both Covenants, a synchronization of the deadlines for these reports with the dates for which the UPR reports are due would result in substantial efficiencies and reductions in the efforts required of States parties in the fulfilment of their overall reporting obligations.

Q6. What is the basis for the five-year periodicity?

a. Why a five-year cycle

The choice of a 5-year periodicity originates in the upper limits allowed under the treaties, where 3 of the 6 treaties establishing a periodicity set it at 5 years, while the other 3 set them at 2 and 4 years. The upper limit of 5 years allows harmonization in a way that closest matches treaty requirements viewed on the whole. A 5-year periodicity would allow the closest possible synchronisation of treaty reports with UPR reports (currently at four and a half years).

By setting out a manageable way for States parties and treaty bodies to adhere to the original intention of the treaties to require regular reporting, the Calendar would bring both States parties and treaty bodies much closer to the treaty-defined periodicities than is the reality today. Thus, as a practical tool by which to achieve better treaty implementation, the Comprehensive Reporting Calendar reinforces the object and purpose of the treaties.

b. If not a fixed periodicity ...

If a fixed periodicity is not possible, then an alternative would be that each Committee follow its own reporting calendar – effectively a master calendar for each treaty. The Committee on Migrant Workers has embarked on this by preparing its own pilot calendar based on all the reports due under its Convention. If replicated by all Committees, this would ultimately result in requirements for more reports to be submitted by States parties and more resources for the treaty bodies to consider those reports. It is possible to prepare a comprehensive calendar of all current reporting obligations in strict accordance with treaty provisions. It would be very difficult, however, to synchronize treaty reports with UPR reports and the benefits of rationalization of reporting requirements across all the treaties would be lost.

Q7. What is the basis for the examination of the human rights situation in a State party in the absence of a report?

- a. The basis for the examination in the absence of reports is the Committee's rules of procedure as well as the practice of several treaty bodies. The purpose of the procedure is to ensure equal treatment in the review of States parties. Importantly, this practice has demonstrated that States parties may still engage in the review process by participating in constructive dialogues, presenting oral reports, receiving concluding observations and ultimately submitting overdue reports.

Q8. Would the Calendar require amendments of the treaties?

- a. The Calendar does not contradict the treaties (see Q6). Instead, it makes it possible for all to comply better with the principle of regular review enshrined in them. It does not create new work for either States or the treaty bodies beyond that foreseen in the treaties, since it would not entail any shortening of reporting periodicities. It does not establish new mandates or procedures. It is merely a means to make it possible to achieve optimal compliance with the treaties and therefore would not require amendments.

III. SUPPORT FOR BUILDING NATIONAL CAPACITY

Q9. How would national reporting structures cope with the requirement of submitting two reports per year?

- a. At the national level, the accelerated pace of reporting under the Comprehensive Reporting Calendar can be expected to lead to an accumulation of national expertise that is not possible when reports are prepared on an ad hoc basis.
- b. Over time, States parties might see the value in establishing a standing national reporting and coordination mechanism, if they have not already established one, as proposed by the High Commissioner. A standing body could contribute to the centralisation and storing of information that would be useful in respect of all human rights reporting obligations, including under UPR and any regional instruments ratified.
- c. As the Calendar benefits from long-term predictability, it is also expected to have a positive effect on decisions by States parties regarding resource allocations. The schedule would be published well in advance of its implementation and would repeat itself every five years. Thus, States parties would know at least five years in advance when reports are due and dialogues scheduled, and would be able to plan the allocation of the necessary resources accordingly.
- d. It may be useful to clarify that the recommendation for the establishment of standing national mechanisms is merely a recommendation for States, presented in the belief that many will find it helpful to establish such a mechanism when the regularity of the task of preparing and following up on reports is reflected in the work plans of the concerned authorities. A number of States have already arrived at that conclusion; others might not for various reasons. It is not obligatory.

Q10. What support would the UN offer to States parties?

- a. OHCHR stands ready to make its accumulated experience available to conduct capacity-building activities at the national or (sub-)regional level. It will further refine its capacity-building strategy with a view to assisting States parties in a sustainable and effective manner in meeting their reporting obligations. Further to the growth and increased complexity of the reporting obligations of States, OHCHR will ensure to the maximum possible extent that needs for technical assistance in reporting to the treaty bodies are being responded to, in alignment with the Comprehensive Reporting Calendar.
- b. OHCHR has a programme of technical cooperation that, in many countries where it has a presence, offers support on treaty reporting upon request. The same is true of the specialized agencies, funds and programmes of the UN that work most intensively on a specialized treaty, such as UNICEF on CRC and UN Women on CEDAW. More resources and enhanced collaboration between OHCHR and relevant agencies can lead to strengthened and sustained capacity-building and support for States upon request with respect to reporting to treaty bodies and indeed to all human rights mechanisms.
- c. Although each request for technical cooperation is considered on a case by case basis, most UN partners will find it more appealing to provide sustainable support to permanent structures that will ensure an enabling environment for the implementation

of the respective treaties and build more lasting capacity. Thus States that have established a standing national reporting and coordination mechanism might find the UN agencies more receptive to such a request. When appropriate and upon request, OHCHR will continue supporting the establishment or strengthening of such mechanisms through its programmes. OHCHR will also continue to support UN Country Teams, upon their request, in lending assistance to such national mechanisms.

- d. There is a large margin of complementarity of both treaty body and UPR processes that could be the subject of the same assistance activities, more so because the recommendations of treaty bodies constitute a significant proportion of UPR recommendations. Implementing the outputs of both mechanisms are at the core of the programme of work of OHCHR field presences and, more generally, country engagement strategies. If training workshops are requested and delivered on all reporting requirements, rather than separately on each mechanism, national action plans could be developed to meet all international reporting obligations in order to make the best use of national resources for reporting. Several existing funds such as the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Fund for Implementation of the UPR could serve as vehicles for such assistance.
- e. To make best use of the limited resources available, priority might be given to requests from Least Developed Countries, Landlocked Developing Countries, Small Island Developing States and States made fragile by natural disasters or armed conflicts. OHCHR would encourage this.
- f. The current practice of involving treaty body experts as trainers in such activities will be continued and enhanced. Where established, NHRIs should also be requested to assist in the holding of such activities. Insofar as possible, these activities should be convened in partnership with the UN Country Team and UN Resident Coordinator, or with interested individual United Nations agencies present in the country in question, in order to ensure the full involvement of all United Nations actors that might eventually also assist States in the implementation of the recommendations of the respective treaty bodies.

IV. RESOURCES FOR THE CALENDAR

Q11. How much would the Calendar cost to implement?

- a. The cost of the Calendar should be considered not only against the current costs of the treaty system, but against the inefficiencies of and lack of coverage under the current system. When treaty bodies face considerable backlogs of reports pending consideration, much time, energy and translation costs are spent on preparing and processing outdated information (See Q3(b)). In such cases, the reports of States parties serve only as the trigger for adding them to the schedule of a treaty body, rather than as the main substantive content on which the dialogue will be based. The most valuable information for the treaty bodies is often that received close to a dialogue, whether in the replies to lists of issues or information from other stakeholders. The Comprehensive Reporting Calendar is a way to ensure that every bit of time and cost spent on preparing and processing information will be on that which is valuable and timely, making the best use of not only the additional amount to be invested but also the amount currently being spent on the treaty bodies.

- b. In the report of the High Commissioner, an estimate of \$52 million was presented as the additional cost of implementing the Calendar, above the current cost of the treaty system of \$56 million.
- c. The figure of \$52 million reflects the main elements of Committee meetings, in accordance with the current practices of the Committees. It does not reflect the major element of physical conference space, given the lack of parameters for such an estimate and the complexities of preparing such an estimate. The cost could vary widely depending whether the aim is the purchase or construction of a separate building, or rental on the commercial market. It would also be affected by any decisions that might be taken by any of the treaty bodies to work in double chambers (see Q21-Q23).

Q12. How could the Calendar be implemented at the lowest possible cost?

- a. The Calendar would require less resources if it were implemented in conjunction with many of the other proposals set out in the report of the High Commissioner. Annex 3 sets out several possible measures that would reduce the overall cost of the Calendar by as much as \$39.5 million from the additional \$52 million originally estimated in the report of the High Commissioner, resulting in an additional cost in the order of \$12.5 million. The implementation of some of these measures would be a departure from the present operational modalities of the treaty bodies and thus would require securing the agreement of all. These include the following.
- b. Given the high cost of processing documentation, a precondition for controlling costs would be to ensure strict adherence to page limitations of all documents issued by States parties and the treaty bodies (Options 2 and 4). Another major reduction could be made by reducing the currently lengthy (bi)annual reports of the Committees, in which the work produced by each Committee is reproduced in full. The costs of producing the (bi)annual reports would be significantly reduced if they are limited to the procedural information about the conduct of work, omitting the texts already published separately, such as concluding observations, general comments, views on individual communications, and statements (Option 3).
- c. The adoption of the Simplified Reporting Procedure (SRP) proposed in the report of the High Commissioner (A/66/860, section 4.3.1), according to which the replies to targeted questions posed by the treaty bodies would constitute the reports of State parties, would also help reduce costs. The SRP would combine two steps under the usual procedure currently applied (of requiring a written report from States parties and subsequently requiring written responses to lists of issues) into one.
- d. Limiting the languages in which summary records are issued would also contribute to savings. The Calendar estimated the costs of summary records for all meetings requiring summary records in three languages. If they were henceforth to be produced in two languages, for example in the case of a public dialogue with a State party, in the one dominant language of the Committee and in the main national language of that State, the cost of summary records would decline from approximately \$15 million to \$8.6 million per year (Option 1.4).
- e. Relying on new technologies to reduce the number of copies of documents produced by the UN would also help to contain costs. Videoconferencing with delegations that are unable to travel to Geneva, while not counted in the estimated cost of the Calendar, would lead to savings for reporting States parties. The eventual replacement of summary records altogether with searchable, indexed, and captioned webcasting that leaves an edited written record of the spoken word (captioning), in one language

would lead to a reduction of costs from the \$15 million a year it would currently cost to produce summary records in three languages to \$2.2 million per year (Option 1.2). If it were decided to provide captioning in two languages, such as in the dominant language of the Committee and the language of the State party in a dialogue, the annual cost would be \$4.4 million - a cost reduction of \$10.6 million per year.

- f. The greening policy of the United Nations (limiting the number of physical hard copies of documents for meetings) would also work in the same direction of streamlining the reporting process and reducing costs, as well as the environmental impact of treaty body work. New estimates are provided in Annex 3 based on the premise of the distribution of physical hardcopies of documents reduced to 25% of their current levels.
- g. If some Committees decide to opt to deal with their increased workload, not by expanding their meeting time but by meeting in double chambers, then additional DSA would not need to be paid. The management of double chambers, however, would require the hiring of Deputy Secretaries for those chambers, which would partially offset the savings made. The final tally is estimated to bring the cost of this option down from the original \$5.8 million in DSA to \$4.5 million (Option 6).
- h. If the minimalistic options of all these measures were adopted, the additional annual costs of the calendar could be reduced to \$12.5 million USD, in lieu of the originally estimated \$52 million.
- i. The financial choice is therefore between continuing to pay \$56 million USD for the current system – overseeing a mere 16% compliance rate, drowning from a heavy workload that will inevitably grow larger with each new ratification, thus moving over time increasingly further away from its established regularity of review, and burdened by the problems outlined in Q2 – or paying \$68.5 million USD for an effective, streamlined system in synch with each component part.
- j. As was the case with the original estimated cost of the Calendar, it is also the case with the cost-smart version that the funds for the additional physical conference facilities would need to be added when decisions are taken on the parameters of such an estimate (see Q11(c), Q21-Q23).

V. IMPLEMENTATION

Q13. Who decides whether the Comprehensive Reporting Calendar is to be implemented?

- a. Ultimately, the decision to implement the Calendar rests on two major stakeholders: the States parties in regard to the allocation of the required resources through the General Assembly, and the treaty bodies in regard to the scheduling of reports, conference service entitlements and the methods of work that would need to be adjusted to make the Calendar work. The General Assembly-mandated Intergovernmental Process on treaty body strengthening provides a forum for States parties to reach the decisions falling within their competence (see General Assembly resolutions 66/254 of 16 February 2012 and 66/295 of 14 September 2012). The treaty bodies are considering the questions that they are competent to address at each of their sessions since 2011, as well as through the annual Meeting of Chairpersons.
- b. The United Nations Secretariat, including OHCHR, the Department of General Assembly and Conference Management, and the Programme, Planning and Budget Division can assist by placing at their disposal the relevant information on costs, the

methodological issues, and any other questions that may arise. The present Q&A's were elaborated toward this end.

- c. Synchronisation with UPR obligations could necessitate discussions with the Human Rights Council, particularly with regard to any changes in scheduling under either the UPR cycles or the Comprehensive reporting Calendar of the treaty bodies.
- d. Once the Calendar is in operation, both States parties and the treaty bodies would need to fulfil their respective roles by submitting and considering reports on time, thus preserving the integrity of the Calendar.

Q14. When could the Calendar be implemented and how?

- a. From the point where all the States parties and treaty bodies agree to put the Calendar into operation and agreement on the parameters is reached, it is foreseen that a period of about two years would be necessary to set out the Calendar, State by State and treaty body by treaty body. The parameters to be determined must include: the grouping of treaties on which reports would be due each year, the point during the UPR cycle when the Calendar would take effect, a review of all ratifications, the decision to be taken by CED on how it would deal with periodic reports, etc.
- b. The resources needed for the Calendar would need to be approved by the General Assembly with a proper PBI. Time will be needed for negotiations on the concrete details of the foreseen expenditures. Depending on the final level of resourcing approved, the treaty bodies that have not yet adopted all the rules and procedures to enable the Calendar to function reflecting the level of resourcing finally approved would need to adapt to the requirements, for example, on page limitations, summary records, the proposed Simplified Reporting Procedure, etc.
- c. Once the necessary decisions are taken, the first cycle could commence. It must be considered as an interim adjustment cycle, during which treaty bodies and States parties will need to adjust to the requirements of the Calendar. During the first cycle, the one-off reports will be dispensed with by the current States parties to those treaties (remaining on the Calendar only in regard to new States parties), and States parties might find it beneficial to restructure their national reporting processes to meet the more regular reporting deadlines. This cycle would see a transition for most treaty bodies during which they would be introducing new harmonized working methods under their redefined entitlements.
- d. Depending on the year in which the first cycle is implemented, it might not need to be limited to a five-year period but might be extended so that the second cycle of the Calendar could commence with a new UPR cycle. This would reduce the annual costs of the first cycle and allow the treaty bodies more time to more gradually become accustomed to the heavier meeting schedules that would be required under the Calendar.
- e. It is expected that the full benefits of the Comprehensive Reporting Calendar will become apparent from the second cycle onwards, when its fixed nature is respected by all parties and the complementarities among the treaty bodies will become a permanent feature of mutual synergy.

Q15. How would the Calendar deal with the existing backlog of State party reports?

- a. The reports already received and awaiting consideration would be subsumed within the Calendar to be examined according to the schedule set out in the Calendar, rather than dealt with in accordance with the prevailing current practice, which is to schedule reviews in chronological order of receipt. Thus, if a State party submitted a

report today to the Committee on Economic, Social and Cultural Rights that would normally be considered by the Committee in 3 years, and if under the Calendar, that report would be scheduled for consideration in Year 4, then the report would simply be considered in Year 4. Normally a report to be examined in Year 4 should have been submitted in Year 3, but having already submitted a report, the State party would not need to submit the report again (although it might be called upon by the Committee to respond to a list of issues that would update the relevant information, which in any case would be consistent with the prevailing practice today). In other words, a report that has already been submitted would only be scheduled for review under the Calendar. This might be before or after it would have been according to the current practice. The present backlog reports would thus not need to have been dealt with before the Calendar takes effect.

- b. To operationalize the Calendar, the first cycle would need to be conceived as an interim arrangement of adjustment that might not in most cases result in a strict interval of five years between the reports last submitted and the next reports due, nor perfect synchronisation with UPR reports. The strict periodicity would apply from the second cycle onwards (see Q14(d)).

Q16. How would the Calendar absorb new ratifications?

- a. The pace of the lodging of new ratifications is difficult to predict and thus would be difficult to reflect. A few new ratifications deposited during the first adjustment cycle of the Calendar could be integrated without requiring great changes, since in this cycle, a strict five-year periodicity could not be guaranteed under all the treaties (see Q14(d) and Q15(b)). A significant rise in ratifications, however, would create a corresponding new workload that would need to be accounted for in the resourcing of the treaty bodies. As highlighted in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), a regular comprehensive review of the workload of the treaty bodies, possibly every two years, is needed in order to take into account any additional resource requirements emanating from such a situation. This is true regardless whether or not the Calendar is implemented.

Q17. How would new treaties be reflected in the Calendar?

- a. As the reports due under the two CRC Optional Protocols requiring the submission of reports would be submitted and reviewed once, all reports from current States parties would be dealt with in the first cycle. The slot currently allocated for these reports would be free from the second cycle onwards to be attributed to one new treaty that might enter into force in the future.
- b. If further treaties are elaborated, the reporting deadlines could be added to each Year of the Calendar in sequence (the deadline for a second new treaty added to Year 1, for a third new treaty to Year 2, and so forth). Thus, if up to six new treaties enter into force, States parties to all the treaties would be required to submit up to three reports per year.

Q18. What if a State party promises to submit a report just before it is scheduled to be reviewed in the absence of a report?

- a. The Comprehensive Reporting Calendar would unravel unless the schedule of reviews was strictly adhered to. Under a properly resourced Calendar in which adequate time is reserved for the examination of every report due, with deadlines established far in

advance and publicly known, States parties would be able to plan and undertake their reporting activities in accordance with their scheduled reviews.

- b. Should a State party not submit a report, despite ample advance notice, its review would proceed as scheduled. A failure of the treaty bodies to proceed would leave the time slot for that State party unused, which would waste the resources associated with that meeting time reserved for that State party and would need to be compensated with additional meeting time later, elevating the cost of the Calendar.
- c. If the State party nevertheless notifies a treaty body that it intends to submit a report just prior to its scheduled consideration, the treaty body would likely feel compelled to accept it. It might, however, recommend to the State party to submit it in the language versions needed by the Committee to enable a productive dialogue to be held. The dialogue should proceed as planned. If the treaty body had instituted a LOIPR procedure for all States parties and a late-submitting State party had also accepted it, a LOIPR would exist that would guide the dialogue. If not, the dialogue would need to proceed on the basis of the report and “all available information.”

Q19. Why should the treaty bodies that are allowed flexibility in establishing deadlines abandon it in favour of a fixed approach?

- a. The ICCPR, ICESCR and CED do not establish a fixed periodicity. Leaving aside CED, whose future and methodology for considering reports is yet to be determined, the HR Committee and CESCR both operate on the basis of 5 years as a “normal” cycle. Shorter deadlines might be set for States parties deemed to have more serious problems and longer deadlines might be set for those deemed to have less grave problems and to have good cooperation with the concerned Committee. That the Calendar would establish for them, as for all Committees, a fixed 5-year deadline for all States parties would signify for them a loss in some flexibility but gains in other important ways.
- b. First, they would have a strong incentive to abide by the fixed periodicity that is aligned to the UPR, which would ensure that their recommendations would systematically feed into this important intergovernmental review mechanism.
- c. Secondly, they would benefit from the natural complementarity between the treaty bodies allowing for follow-up to key recommendations by other treaty bodies that share substantive commonalities in the intervening period.
- d. Third, the regularity in reporting would ensure that no matter what unforeseen events or circumstances might arise in States parties, no more than 5 years would elapse before they would be before the Committee again. Other Committees established by treaties that those States parties have ratified would see them before 5 years have passed. Critical issues in any State party thus would not be left undealt with for too long, as is now possible under the current system. A commitment to the Calendar by all treaty bodies would serve them all.
- e. The regularity in reporting would not predetermine the “intensity” of reporting. Treaty bodies, as it is already the established practice and, while fully respecting the principle of equal treatment, would not be obliged to ask the identical questions to all States parties nor to spend a full six hours of dialogue if they do not believe that the issues warrant it. There are ways for treaty bodies to exercise their flexibility and judgement under a fixed Calendar.

Q20. Will the institutionalized review of States parties in the absence of a report not lead to reporting complacency?

- a. In the system that exists today, all the treaty bodies except the newest have faced the occasional dilemma of ensuring compliance with reporting obligations by States parties who are not responsive to their reminders. All treaty bodies (with the exception of the newest one, CED) have thus established procedures of last resort to examine the situation in States parties in the absence of a report, on the basis of all available information.
- b. The concern that once States become accustomed to being reviewed in the absence of a report, they would prefer to continue to be reviewed in that way rather than to make the effort to prepare a report is not borne out by experience. When faced with such a situation, most States parties invoked under this procedure to date have tended to make an effort rather than undergo a review by a treaty body without having brought their perspective to that body and risking the publication of conclusions and recommendations on them on which they have had no say.
- c. There is no reason to believe that under the Comprehensive Reporting Calendar States parties would react differently. To do otherwise would create an impression of inattentiveness or disregard for human rights concerns both nationally and internationally, which would be exacerbated by the public nature of the review process.
- d. While most States parties invoked under this procedure have been responsive, some have not. For them, it might be realistic to expect that they would continue to be unresponsive under the Calendar. In such cases, the Calendar might not impact – either positively or negatively – on their reporting record. However, the Calendar would nonetheless create the occasion of a review of implementation around which civil society organisations, national human rights institutions and other interested stakeholders could mobilize on a regular basis, which would serve as a tool for advocacy, awareness-raising and even in lending assistance for implementation. In such cases, the basis for comparison of the benefits of the Calendar should be not against full compliance by non-reporting States but against the present non review or sporadic review of those States. Even in such cases, the Calendar can be expected to bring demonstrable benefits.

Q21. Will the availability of treaty body members be a restrictive factor?

- a. The availability of individual treaty body members once a Comprehensive Reporting Calendar is adopted is difficult to predict, as this will depend on the personal circumstances of each member.
- b. From a longer term perspective, it is worth recalling that the terms of treaty body members are limited in time, that treaty body members are nominated and elected for fixed, renewable terms of four years by States parties. Once the Calendar is in place, logically only those candidates who are available for the full span of meetings should be nominated and elected.
- c. All the treaty bodies that have looked in depth into their ability to keep pace with such a Calendar have concerns about the amount of time it would require from their members, most of whom have full-time occupations at home. At the same time, recalling their original mandate to review the reports of all States parties on a regular, periodic cycle, many have embraced the proposal as a concrete way to make that possible and each has begun to explore the concrete implications for its own work.

- d. Examining reports in parallel chambers would offer the treaty bodies a way of keeping pace with the Calendar without significantly expanding the time required to be spent in session. This would allow a treaty body to conduct twice the work over a set time period as in a single chamber, which is the current norm. The CRC, for example, which already meets for three months a year and considers that it cannot demand more time from its members for sessions, has requested the General Assembly to allow it to meet in parallel chambers each year during one of its annual sessions. Each Committee will need to examine the options it finds most feasible. In either case, the Calendar could work only if sufficient resources are allocated to each treaty body (adequate staffing levels, funds for processing of documentation, conference facilities and servicing, adequate meeting time, etc).

Q22. How would permanent double chamber sessions work?

- a. A Committee that chooses to work in double chambers would split its membership in two, with half its membership attending each chamber. Such a Committee would need to decide what the powers it would delegate to its chambers, in particular whether a chamber would conduct only dialogues with reporting States or also adopt the corresponding concluding observations. If the latter, it may be necessary to amend its Rules of Procedure to define the quorum necessary for decision-making in chambers. Clearly, Committees that work in double chambers would be faced with trade-offs to be made between the advantages and disadvantages in either case.
- b. If a Committee should entrust the chambers to adopt conclusions in parallel, the possibility will present itself of one chamber adopting conclusions that diverge from the conclusions of the other. In such an eventuality, it would be possible for the Committee as a whole to entrust the adoption of conclusions in chambers only on those issues where the Committee has established jurisprudence, and to limit plenary discussion to those issues arising in the chambers where the established jurisprudence is not clear. Sufficient plenary meeting time would be needed toward this end. However, such discussion time is not a consequence of double chambers – it would have been needed for any emerging issue even if such an issue were to arise during a review conducted by the entire Committee. If a treaty body were to determine that all concluding observations must be adopted by the plenary, it would be easier to ensure consistency in all its conclusions. At the same time, there would be some loss in efficiency, as the chambers would need to explain to the plenary the essence of the dialogues in which half of the membership did not participate.
- c. The treaty bodies that have in the past worked in double chambers (CEDAW, CRC) are conscious of the need to ensure adequate geographical representation, substantive expertise and gender balance in each chamber. Their ability to do so depends on the composition of the entire membership, which in some cases does not have a balanced representation of geographical regions, gender or of the kinds of expertise needed on the Committees. Such problems do not emerge with the question of double chambers, but rather are inherent to the election of the members of the entire Committee.
- d. The Committees that choose to work in double chambers would no doubt be receptive to feedback from States parties about any issues they may wish to raise in this regard, which could be raised in the meetings with States parties that they convene regularly,

Q23. What would be the cost reductions associated with double chamber sessions?

- a. The savings would be mostly in the reduction of session time for which treaty body members must make themselves available for Committee work, rather than in the costs.
- b. In pure financial terms, working in double chambers would allow savings in DSA that would have had to be paid to members if meeting time was extended. No other savings would be possible, given that the costs of documentation, interpretation and other conference services would remain equal, regardless whether provided to an extended session or a second parallel session.
- c. The required additional secretariat support for the increase in reports to be considered would also remain largely equal, except in regard to the management function. The savings in DSA would be offset by the need for a new P-4 level Deputy Secretary in charge of the second chambers. The two considerations taken together, if applied to the three Committees that currently spend the longest time per year in session, would lead to savings in the order of some \$1.3 million per year (see Q12(g) and Annex 3, Option 6)

VI. THE ALTERNATIVES

Q24. What if the cycle was extended?

- a. If the cycle were extended beyond five years, two effects can be anticipated. First, the annual cost of the Calendar would diminish more or less proportionately. Concretely, spreading over 6 years the total cost of the cost-smart Calendar of \$68.5 million per year currently proposed over 5 years ($\$68.5 \text{ million} \times 5 = \342.5 million over the 5-year cycle) would result in an annual cost of about \$57 million per year ($\$342.5 \text{ million} / 6 \text{ years}$).
- b. The second expected impact of an extended Calendar would be seen in the rationalization of reporting obligations. While a 5-year Calendar in synch with the UPR as proposed (see Q4(d)) would allow synergies in the preparation of reports under the two Covenants and for the UPR, a 6-year cycle would distance the timing of the preparation of these reports. Greater distance in time between the reports on the Covenants and for UPR would mean that less of the information collected for the reports under the Covenants would remain valid at the time of the drafting of the UPR report. In such cases, especially for countries with fast-changing national circumstances, the State would likely need to start from scratch when drafting its UPR report.
- c. The longer the extension, the less incentive there will be for the treaty bodies to focus on key issues – instead, they will be more tempted to try to cover their treaties comprehensively – and the more justification they will see in strengthening their follow-up procedures. In the extreme case of a 10-year cycle, in which the submission of reports and their subsequent reviews would be paced out to one per year, it is probable that every report will be requested to cover all issues. While some of the possible cost reductions may still be possible to implement, such as on webcasting, it would most likely not be possible to curb the documentation costs.
- d. It is possible to conceive of an extended first adjustment cycle only (see Q14(e)) that would diminish the annual costs of the first Calendar cycle and give time to equip the Secretariat to act on those cost-savings measures agreed upon, such as replacing

summary records with webcasting. This way, the regularity of reporting every five years at minimum additional cost would be preserved from the second cycle onwards. The precise annual cost of such an extended first cycle would depend on the span of the cycle and the timing of the implementation of specific cost-saving measures (see Q12).

Q25. What if a flexible Calendar was adopted instead?

- a. The notion of a flexible Calendar contradicts the principle of regular reporting. If flexibility is allowed to all States parties equally, the underpinnings of the Calendar would unravel. If the Calendar is subject to changes, it would allow only short-term predictability, it would have no significant advantages over the current system as it operates today. It would be very difficult to guarantee that all States parties are reviewed with regularity under all the treaties.
- b. A flexible approach whereby a State party might request and be granted extensions, or a rescheduling of its dialogue with a treaty body would create pressures for a future session of that treaty body, unless there was a clean swap with another State party. The greatest problems would arise in regard to the dialogue. In theory, this might be possible if it were arranged sufficiently in advance; from experience, a good general rule of thumb is that notifications should be given at least one year in advance. Under no scenario would this be possible at the last minute, for few States parties would be able to reschedule an appearance of senior officials at a moment's notice.
- c. The implications of such flexibility would need to be considered from the perspective of all involved.
 - i. For the State party to multiple treaties, the submission of a report in a future year beyond the established deadline could result in a year where three reports would be due. The pressures for preparing a report would not be diminished but merely postponed.
 - ii. For the treaty body receiving such a report, it would need to negotiate with another State party with which to arrange the swap. If no other State party is willing, the slot reserved for the State party requesting postponement would be lost and additional meeting time would be needed to accommodate it later. The General Assembly would need to be requested for that additional meeting time. While not impossible, it would entail embarking on a very cumbersome process to accommodate a single State party. If a number of States parties request postponement that cannot be accommodated through a swap of time slots, the ad hoc requests to the General Assembly for additional resources would remain a regular feature of the treaty system.
 - iii. For all other stakeholders submitting information, at least one year advance notice would be needed to enable optimal preparations of their contributions.

Q26. What if no action is taken on the Calendar?

a. Continued gradual improvements

Efforts to harmonize and improve the work of the treaty bodies have been ongoing since the first Meeting of Chairpersons in 1984. Today, that forum has become the main channel through which specific cross-treaty body issues are discussed. It has assumed quasi-decisionmaking authority whereby its decisions are binding except when a treaty body opts out. The annual Meeting of Chairpersons will continue to

play this role, irrespective of the adoption of the Calendar. In such a case, the progress towards harmonization and improvement can be expected to continue to be gradual.

b. Consideration of remaining proposals of the High Commissioner

Among the issues that could be taken up at the Meeting of Chairpersons could be the remaining proposals contained in the report of the High Commissioner, other than the Calendar. The proposed Simplified Reporting Procedure, for example, could still be adopted by all the treaty bodies, independently of the Calendar. They could agree to replace summary records through searchable, indexed and captioned webcasting. Each proposal could be examined at the annual Meeting in turn, which over time would lead to greater efficiency and effectiveness.

c. Lost opportunity for rationalisation of all reporting obligations

If the Calendar were not adopted, the expected benefits of the Calendar of full compliance with reporting obligations, predictability, equal treatment of States parties, and streamlining of the reporting process would logically be lost (see Q4) and the present situation would likely continue (see Q3), except for those issues addressed under other proposals that might be taken up by the Meeting of Chairpersons (see Q26 (a, b)). In other words, the present chaotic schedule of deadlines and dialogues would remain unresolved. The treaty system is likely to continue to be characterized by low rates of compliance, large backlogs of reports, and unequal treatment of States parties.

d. Continuation of ad hoc requests from individual treaty bodies

Having to face their growing workloads within their existing means, the treaty bodies would be obliged to continue to request additional resources individually. With each request being considered on its own, there would be no guarantee that all the treaty bodies would be given equal treatment of their needs and that the resources ultimately granted would match those needs.

e. Less harmonization of the entitlements and working methods of the treaty bodies

If the cost-smart Calendar were to be adopted, it would provide a compelling reason to take aligned decisions on each of the associated proposals required for maximum cost reductions. If it were not adopted, these proposals are likely to be considered one by one, by each treaty body. There would be less incentive for all nine treaty bodies with a reporting procedure to adopt a common approach, and the requests submitted to the General Assembly would reflect the divergences. Ultimately, more resources would be requested on the whole than if the Calendar were to be adopted, consistency in the granting of resources by the General Assembly could not be guaranteed and progress toward improvement would continue incrementally.

f. Continued need to address the backlogs of reports

If the Calendar were not adopted, the problem of the present backlog would remain to be addressed. As proposed in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), the system could be brought up to date through eliminating the current backlogs in a single ad hoc exercise. This proposal would entail the review of the 269 State party reports and 460 individual communications pending review in 2012. Such a one-off exercise would cost more than the estimated annual cost of the five-year Calendar, and could take two or more years to implement,

during which time new reports and communications would continue to be received. In other words, as the current backlog is addressed, a new backlog would begin to form. Some or all of the additional resources granted to address the backlog would therefore need to be granted on a permanent basis. Regardless whether the Calendar is adopted, it is advisable to conduct a regular review of the evolving workload of the treaty bodies, as suggested in the reports of the Secretary-General and the High Commissioner. Conducting such a review every two years would enable these considerations to be taken into account during the preparation of every biennial budget of the United Nations.

Annex 1. Visual presentation of the Comprehensive Reporting Calendar

	YEAR 1 for States parties		YEAR 2 for States parties		YEAR 3 for States parties		YEAR 4 for States parties		YEAR 5 for States parties	
	CCPR	CESCR	CERD	CEDAW	CAT	CED	CRC	CRC-OP's	CMW	CRPD
YEAR 1 for States parties from Year 3 of UPR cycle ↓	167 SPs, 33/34 reports per year 2014	160 SPs, 32 reports per year 2014	160 SPs, 32 reports per year 2015	187 SPs, 37/38 reports per year 2015	150 SPs, 30 reports per year 2016	30 SPs, 6 reports per year 2016	193 SPs, 38/39 reports per year 2017	Avg 88 SPs ² , 18 reports per year 2017	45 SPs, 9/10 reports per year 2018	110 SPs, 22 reports per year 2018
report due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
add info due	+ 12 m (2015)	+ 12 m (2015)	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)
dialogue	2015	2015	2016	2016	2017	2017	2018	2018	2014	2014
report due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
add info due	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2020)	+ 12 m (2020)
dialogue	2016	2016	2017	2017	2018	2018	2019	2019	2015	2015
report due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
add info due	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2020)	+ 12 m (2020)	+ 12 m (2021)	+ 12 m (2021)
dialogue	2017	2017	2018	2018	2019	2019	2020	2020	2016	2016
report due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
add info due	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2020)	+ 12 m (2020)	+ 12 m (2021)	+ 12 m (2021)	+ 12 m (2022)	+ 12 m (2022)
dialogue	2018	2018	2019	2019	2020	2020	2021	2021	2017	2017
report due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
add info due	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2020)	+ 12 m (2020)	+ 12 m (2021)	+ 12 m (2021)	+ 12 m (2022)	+ 12 m (2022)	+ 12 m (2023)	+ 12 m (2023)
dialogue	2019	2019	2020	2020	2021	2021	2022	2022	2018	2018

² Not including the States parties that have already submitted their reports due under the Optional Protocols. The highlighted blocks reveal the dialogues to take place in a given year; example presented for 2015. 6 m: 6 months since submission of report by State party 12 m: 12 months since submission of report by State party

Annex 2. List of acronyms

acronym	Committee	Responsible for
CAT	Committee against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CED	Committee on Enforced Disappearance	International Convention on Enforced Disappearance
CEDAW	Committee on the Elimination of Discrimination against Women	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights	International Covenant on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	International Convention on the Protection of All Migrant Workers and Members of Their Families
CRC	Committee on the Rights of the Child	Convention on the Rights of the Child Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict Optional Protocol to the Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography
CRPD	Committee on the Rights of Persons with Disabilities	Convention on the Rights of Persons with Disabilities
HR Committee	Human Rights Committee	International Covenant on Civil and Political Rights
OP	Optional Protocol (to any instrument)	
TB	Treaty body (or "Committee")	
UPR	Universal Periodic Review of the Human Rights Council	

Annex 3. Cost-smart options for implementing the Calendar

	Heading	A. Cost of proposal in HC report (USD)	B. Cost-effective proposal cost (USD)	C. Cost reduction from HC report (A-B, in USD)
Option 1.1	Captioning and webcasting in one language in lieu of summary records, Captioning and webcasting in one language Captioning \$870*620 days Transcript \$ 630*620 days Webcast Total Cost Summary records (3 languages)	15,000,000.00	\$539,400.00 \$390,600.00 \$900,000.00 \$1,830,000.00	\$13,170,000.00
Option 1.2	Captioning and webcasting in one language in lieu of summary records and edited by 2 P3 staff	15,000,000.00	\$2,199,000.00	\$12,801,000.00
Option 1.3	Captioning and webcasting in one language in lieu of summary records plus summary records in English: Summary records (reproduction @ 25%) Captioning and webcasting	15,000,000.00	\$4,989,000.00 \$3,159,000.00 \$1,830,000.00	\$10,011,000.00
Option 1.4	Summary records in 2 languages After bringing reproduction to 25% (Paper Smart)	15,000,000.00	\$6,318,000.00	\$8,682,000.00
Option 2	Savings due to reduction in no. of pages of SP reports 15*263*1000 including reproduction in Paper Smart Way			\$11,800,000.00
Option 3	Savings due to reduction in no. of pages of Annual reports 4275*1000 including reproduction in Paper Smart way			\$7,275,730.00
Option 4	Savings due to reduction in no. of pages for CCD 780*1000 including reproduction in Paper Smart way			\$2,645,000.00
Option 5	Interpretation from 4 lang to 3 lang Cost of Interpretation for 3 languages As per the latest AIIC agreement dated 1/7/2012 free lance interpreters will be paid only for the actual days of work. Savings due to that	7,418,920.00	\$5,564,190.00 \$1,430,790.00	

iii)	Cost of Interpretation in 3 language after recosting according to AIIC		\$4,133,400.00	\$3,285,520.00
Option 6	DSA and travel reduction in light of parallel chambers HR Committee / CEDAW / CRC (while maintaining 20% plenary time) 3 Deputy Secretaries		726,000	
	DSA	4,716,460	2,882,740	
	travel	1,143,000	877,500	
	Total	5,859,460	4,486,240	\$1,373,220.00
	Total of Options 1.1 and 2-6 Note: the parameters for the 5 y comprehensive reporting calendar are 263 state party reports and 160 individuals complaints over a period of 124 weeks			\$39,549,470.00

- The figures presented here are indicative estimates. Any decisions on these options would need to be formally costed through the standard Programme Budget Implication (PBI) process.