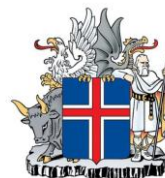




PERMANENT MISSION
OF THE REPUBLIC OF INDONESIA
TO THE UN



PERMANENT MISSION
OF ICELAND TO THE UN

New York, 4 April 2013

Excellencies,

With reference to our letter dated 22 March 2013 related to the thematic discussions and informal-informal meetings to be held on 11 – 17 April 2013 on the “Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system,” we have the pleasure to send a detailed agenda, and the related discussion notes as attached.

We wish also to note that due to the limited availability of conference services on Monday, 15 April 2013, we have decided to reserve this date for bilateral and/or regional consultations based on requests from delegations, taking into consideration the possible participation of experts from Capitals.

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**

Intergovernmental process on strengthening the Human Rights Treaty Body System
Thematic discussions and informal-informal meetings
11-17 April 2013

DAY ONE
Thursday, 11 April 2013

Thematic discussions - followed by informal-informals

15:00 - 16:00 **TREATY BODY INTERACTIONS WITH STATES AND OTHER STAKEHOLDERS**

Venue:
ECOSOC Chamber Thematic discussion on treaty body interactions with State Parties and other stakeholders

To start immediately following-18:00

Informal-informals

To discuss an aligned methodology for the **constructive dialogue** between State Parties and treaty bodies, focused treaty body **concluding observations**, further institutionalization of **engagement with other United Nations** partners, **dual chambers**, aligned consultation process for the **elaboration of General Comments**, **friendly settlements**, aligned **models of interaction** among treaty bodies, national human rights institutions and civil society organizations and strengthening the **meetings of State Parties**.

Venue:
ECOSOC Chamber

DAY TWO
Friday, 12 April 2013

Thematic discussions - followed by informal-informals

10:00 - 11:00 **Questions & answers session - Comprehensive Cost**

Venue:
ECOSOC Chamber The office of the High Commissioner for Human Rights and Conference Services will follow up the comprehensive cost paper with a short Q&A session where Member States will be able to follow up with specific questions.

To start immediately following - 12:30

TREATY BODY COORDINATION AND COHERENCE

Thematic discussion on treaty body coordination and coherence

Venue:
ECOSOC Chamber

To start immediately following-13:00

Informal-informals

To discuss the establishment of a treaty body **jurisprudence database** on individual cases including information on their follow-up, joint treaty body **working group on communications**, review of good practices regarding the **application of rules of procedure** and methods of work and adoption of common guidelines, **reprisals** and the treaty bodies' **follow-up procedures**

Venue:
ECOSOC Chamber

13:00 - 15:00 **LUNCH BREAK**

15:00-17:00 **Continued Informal-informals**

On treaty body interactions with State Parties and other stakeholders

Venue:
ECOSOC Chamber

17:00 - 18:00 **Questions & answers session - Master Calendar**

Venue:
ECOSOC Chamber The office of the High Commissioner for Human Rights will follow up the questions & answers paper with a short Q&A session where Member States will be able to follow up with specific questions.

DAY THREE
Monday, 15 April 2013

Bilateral and regional consultations

10:00 - 16:00

Venue: Bilateral and regional consultations with the co-facilitators at the request of delegations
Mission of
Indonesia

DAY FOUR
Tuesday, 16 April 2013

Thematic discussions

Developing the capacity of State Parties to report to human rights treaty bodies
and follow up on concluding observations

10:00 - 10:40 **OPENING**

Venue: CR 4
NLB

10:40 - 13:00 **Session I: Assisting State Parties with reporting and follow up on concluding observations in Africa**

Venue: CR 4
NLB

Speakers TBC
Questions and Answers

13:15 - 14:45

Possible side event

Venue: CR 4
NLB

15:00-16:30 **Session II: Assisting State Parties with reporting and follow up on concluding observations in the Caribbean**

Venue: CR 4
NLB

Speakers TBC
Questions and Answers

16:30-18:00 **Session III: Assistance provided by UN agencies, funds and programmes and other actors**

Venue: CR 4
NLB

Speakers TBC
Questions and Answers

DAY FIVE
Wednesday, 17 April 2013

Informal-informals

10:00 - 13:00 **Informal-informals**

Venue: CR 4
NLB

To discuss the **capacity of State Parties** to report to human rights treaty bodies and follow up on concluding observations as well as to discuss remaining issues from February consultations, namely the submission of **common core documents** and regular updates, a **coordinated request** for additional meeting time, **page limitations** and **reduction in annual reports** of treaty bodies

**Food for Thought
Discussion Notes
Thursday, 11 April 2013**

Informal-informals

To discuss an aligned methodology for the **constructive dialogue** between State Parties and treaty bodies, focused treaty body **concluding observations**, further institutionalization of **engagement with other United Nations** partners, **dual chambers**, aligned consultation process for the **elaboration of General Comments**, **friendly settlements**, aligned **models of interaction** among treaty bodies, national human rights institutions and civil society organizations and strengthening the **meetings of State Parties**.

1. Aligned methodology for constructive dialogue between State Parties and treaty bodies

The proposal is that treaty bodies adopt an aligned methodology in the form of written guidelines for the constructive dialogue between State Parties and treaty bodies to maximize the use of the time available and allow for a more interactive and productive dialogue with State Parties. In general, the face-to-face or dialogue in all treaty bodies follows the same broad structure: (a) The State Party is invited to send a delegation to attend the meetings; (b) The head of the delegation is invited to make a brief opening statement; and (c) Members of the committee, in some cases led by the country rapporteur(s) or country task force members, pose questions on specific aspects of the report of particular concern.

Many periodic dialogues are similar to comprehensive ones for initial reports and discussions on the implementation of the previous concluding observations are not always at the center of the dialogue. Currently significant variations exist with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with State Parties.

The guidelines could contain the following elements:

- The allocation of a maximum of two meetings (six hours) for the interactive dialogue with a State. The two sessions should be held on two consecutive days.
- The establishment of country task forces (taking geographical and gender balance into account) for the examination of State Party reports which would prepare the dialogue with a State Party, including through prior consultation among Committee members.
- Questions to be clustered by themes. In principle, the dialogue could be divided to allow for a total of three hours to the treaty body experts and three hours to the State Party.
- The clustered list of questions to be shared with the State Party just prior or a few days before the dialogue to allow time to communicate with experts not present at the dialogue and to allow for more structured, exhaustive answers.
- Strict limitation on the number and length of interventions through use of a speech timer.
- The dialogue for periodic reports could focus only on the most significant human rights issues and the follow-up given by State Parties to the previous concluding observations.
- Chairpersons to continue to exercise their power to lead the dialogue effectively so as to ensure a balanced exchange between TB members and the State Party delegation.

Overview of resource implications

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

Q. Would an aligned methodology for the constructive dialogue between State Parties and treaty bodies facilitate the review of State Parties?

2. Focused treaty body concluding observations

The proposal is to encourage treaty bodies to formulate concluding observations that contain concrete and achievable recommendations. There is a strong need to focus on priority concerns, and to make concluding observations more user-friendly for State Parties, as well as for all stakeholders that might monitor their implementation. At the country level, short, focused and concrete concluding observations can be more easily translated into concrete legislative, policy, programmatic and institutional improvements and facilitate national implementation. The utility of treaty body recommendations for other human rights mechanisms would be much enhanced if they were more focused and precise. *The format and content of concluding observations could easily be more focused if the proposals for a Simplified Reporting Procedure and an aligned methodology for conducting constructive dialogues are implemented.*

All treaty bodies have adopted the practice of formulating “concluding observations” following the consideration of the reports of States Parties. In general, they take the following structure: introduction; positive aspects; principal areas of concern and recommendations. Their main objective is to identify, in a constructive manner, the problems and challenges that exist in State Parties to the protection of human rights and to assist State Parties to address them through recommendations for action.

The guidelines for focused conclusions could contain the following elements:

- To reduce the length of concluding observations to achieve greater efficiency and impact. The word limit for in-session translations (3,300 words/6 pages) could be used as guidance.
- To reduce the number of recommendations made in the concluding observations to a maximum of 20 recommendations/2,500 words and focus these around priorities.
- That concluding observations are country specific and targeted. That previous concluding observations are the point of departure of each new reporting cycle.
- The concluding observations should reflect the issues raised by the treaty body concerned during the constructive dialogue.
- To formulate concluding observations avoiding recommendations of a general nature, the implementation of which cannot be measured, and to instead give concrete guidance about the steps needed to be taken to implement treaty obligations.
- Dividing concluding observations between immediate and longer term priority issues, based on a balance between urgency and the feasibility of addressing the different issues.
- To ensure that recommendations of a programmatic nature or requiring positive steps by the State Party include suggested indicators by which to measure achievement.
- When relevant, to use cross-referencing and reinforcement of the recommendations of other treaty bodies, the UPR and special procedures mandate holders.

Overview of resource implications

The proposal has a potential for savings, as more focused concluding observations should naturally lead to a reduction in the number of pages requiring translation which would release capacity that could be directed to the translation of other documents.

Q. Would more focused concluding observations facilitate their implementation at the national level?

3. Further institutionalization of engagement with other United Nations partners

Further institutionalized cooperation of treaty bodies with other United Nations entities could provide more efficient support to the State Party and other stakeholders in the preparation, review and follow-up to a State Party review by a treaty body. The proposal is for treaty bodies, as far as possible and within their mandate, to encourage and facilitate improved United Nations support to the treaty bodies processes, and align its diverse procedures of interaction with United Nations entities and develop jointly agreed upon generic guidelines for country-specific written submissions, including templates for joint submissions and oral briefings.

Such support could build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence as well as drawing on the collective strengths of the system through the United Nations Country Teams. Institutionalization could lead to strengthened and systematized interactions of the United Nations system with all human rights treaty bodies, in support of the State Parties and related stakeholders through cyclical engagement in preparation, dialogue and follow-up.

Overview of resource implications

The proposals in relation to the amendments to working methods can be implemented without the requirement of additional resources.

Q. Would the further institutionalization of treaty body engagement with other UN partners facilitate the preparation, review and follow-up to a State party report?

4. Dual chambers

The proposal is to encourage treaty bodies to work in double chambers or two working groups when possible. This would split its membership in two, with half of its membership attending each chamber for the review of a State Party report. The chamber could either both review the report in full and adopt concluding observations or the review could take place in dual chambers and the concluding observations then be discussed in plenary with all members participating.

Based on the experience from CRC and CEDAW a double chamber system can increase the number of State Parties reports reviewed by session between 70 to 80% by condensing more reviews per session. Based on its positive experience CRC requested in its decision No.10 of 2011 to continue to work in dual chambers to stop the growing backlog of reports and possibly address the backlog and encourage timely reporting. The proposal has also been presented as an alternative for the increase in meeting time for some of the treaty bodies to address the backlog of reports. This is due to the concern expressed on the availability of treaty body members to attend more meetings per year without receiving financial compensation.

Overview of resource implications

As the cost of documentation and interpretation stays the same and the double chamber system can review between 70 to 80% more reports per session additional resources would be required for the additional State Parties reports reviewed. OHCHR would also require deputy secretaries to manage the other chamber while in session (maximum of three P4 staff). The exact cost would, however, depend on how many treaty bodies would take up the dual chamber system and

for how many of their sessions. Also on the possible implementation of other decisions such as the reduction or elimination of summary records and the list of issues prior to reporting.

However, additional workload to be dealt with by the treaty bodies would most likely have to be addressed through additional meeting time, resulting in corresponding increases in the daily subsistence allowance (DSA) for members. The DSA for treaty body members is provided at the rate of 140% of the normal DSA rates established by the International Civil Service Commission. If, however, a maximum possible number of treaty bodies could work in parallel chambers this would reduce the additional amount to be paid in DSA and in some cases the number of yearly sessions. Working in double chambers would therefore allow savings in DSA that would have had to be paid to members if meeting time was extended and would not raise questions regarding the financial compensation of treaty body members.

If the treaty bodies with the highest rates of ratification and thus facing the greatest workload from the reporting procedure (in order of ratification records and in terms of number of sessions, they would be CRC, CEDAW and HRCte) were to work in parallel chambers for State Party reviews, cost reductions from the projected rise in DSA and travel costs (less sessions) would accrue. Presuming that an estimated 20 percentage of meeting time in plenary would be maintained, whereas the remainder of time would be held in parallel chambers, the cost reductions would amount to \$1.3 million per year compared to the projected cost of the comprehensive reporting calendar as contained in the High Commissioner's report.

Q. Should treaty bodies be encouraged to work in parallel chambers, when possible?

5. Aligned consultation process for the elaboration of General Comments

The proposal is for treaty bodies to adopt an aligned consultation process with State Parties, United Nations entities, national human rights institutions and civil society organizations during the elaboration of general comments including requesting them to provide written contributions and/or participation in general days of discussions. All committees have adopted the practice of setting out their views on the content of the obligations assumed by State Parties in the form of "general comments" or "general recommendations". These have evolved in length and complexity and now constitute detailed and comprehensive commentaries on specific provisions of the treaties and on the relationship between the articles of the treaty and specific themes/issues. By issuing general comments, treaty bodies aim at making the experience gained so far through the examination of State Parties' reports and, when relevant to individual communications, available for the benefit of all State Parties, in order to assist and promote their further implementation of the treaties. All treaty bodies regularly seek expert advice beyond the committee during the elaboration process. In this regard, Committees hold days of general discussions or informal meetings to which States, in most cases, are invited as observers. In some cases, the draft general comment/general recommendation is placed on the website and contributions are sought in writing from all stakeholders.

Overview of resource implications

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

Q. Would an aligned consultation process for the elaboration of General Comments facilitate the input of State Parties?

6. Friendly settlements

At the experts meeting on petitions held in October 2011, experts noted the lack of established practice on the facilitation of friendly settlements by the treaty bodies. Experts suggested that treaty bodies would consider providing space for friendly settlements within the individual communications procedures as to avoid contradictory procedure before the treaty bodies and reaching of an amicable and effective solution (friendly settlement). Of all treaty body based individual communications procedures, only the OP CESCRC and OPIC-CRC provide for the possibility of friendly settlement. In practice, other treaty bodies may suspend the consideration of an individual communication if the parties are engaged in a friendly settlement process.

Overview of resource implications

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

Q. Should treaty bodies be encouraged to establish a practice on the facilitation of friendly settlements?

7. Aligned models of interaction between treaty bodies and national human rights institutions, as well as civil society organizations

National actors, such as national human rights institutions (NHRIs) and civil society organizations, can play an integral role in the cyclical engagement with the treaty body reporting process, through providing information, creating awareness and follow-up on the implementation of recommendations. However, the effective engagement of NHRIs and civil society organizations with the treaty body system is hampered by numerous factors including the fact that each treaty body has different engagement rules.

The proposal is for one aligned model of interaction that could contain the following elements:

- Formal meetings with civil society organizations and NHRIs take place during the official public meeting time, scheduled on the first day of the week regarding the State Parties' reports that may be scheduled for consideration during that week. As it is a formal meeting, their interventions are officially recorded, interpretation is provided for, and State Party representatives can hear the interventions of their countries.
- One-hour private lunchtime briefings, organized by civil society organizations, could be scheduled on the day prior to the consideration of the State Party's report. This model is already followed by several committees.
- Request civil society organizations and NHRIs to provide coordinated and more focused submissions to the treaty bodies of a maximum of 10 pages for single reports and 30 pages for joint submissions in a timely fashion, and to organize their interventions in a coordinated manner, with the understanding that these submissions will not be translated.

Overview of resource implications

This model can be accommodated under the current allocation of resources without requiring additional resources.

Q. Should treaty bodies be encouraged to elaborate an aligned model of interaction between treaty bodies and national human rights institutions, as well as civil society organizations?

8. Strengthening the meeting of State parties

The proposal is for strengthening the dialogue of State Parties at the regular meeting of State Parties, for example through having a regular agenda item on those issues that affect the full and effective implementation of the treaty.

The Convention on the Rights of Persons with Disabilities is the only treaty that explicitly lays out the continued role of its State Parties in article 40 which states that “The State Parties shall meet regularly in a Conference of State Parties in order to consider any matter with regard to the implementation of the present Convention.” This Conference of State Parties is convened annually and was last held on 12-14 September 2012. The Conference held two roundtable discussions on matters related to the implementation of the Convention, in addition to an interactive dialogue on the implementation of the Convention by the United Nations system.

Even if the model of the CRPD would not be adopted for other treaty bodies, the meetings of State Parties could be strengthened further and provide for discussions on matters falling under the purview of the treaty provisions. State Parties could discuss the state of implementation of the respective treaty, for example through a discussion on good practices, thematic discussions, etc. Those meeting could also offer an opportunity for an exchange of views between treaty body experts, for example the chair and vice-chair, and State Parties.¹

Overview of resource implications

If the model of the meeting of State Parties to the CRPD would be adopted it would carry resource implications both in terms of meeting services required to service a three day meeting as well as for the required secretarial support of OHCHR. These resource implications would therefore depend on the length and substance of such a meeting.

However, as the conference of State Parties is convened regularly for all the treaty bodies, in most cases biannually, for the purpose of electing new members to the committees, there is already an arrangement in place for convening such meetings. If the substantive part of the meeting of State Parties would be held at the same time as elections to the treaty body, for example during the counting of ballots, such a discussion could be mostly cost neutral, except for possible travel of some treaty body experts to New York to attend the meeting.

Q. Should the meetings of State Parties be strengthened?

¹ It needs to be noted that informal meetings are organized, usually once a year, by each treaty body during their own sessions in Geneva with State Parties to discuss a variety of issues. For example, at its forty-eighth session on 14 May 2012, CAT held an informal meeting with State Parties which was attended by representatives of 32 State Parties. The Committee and the State Parties discussed the methods of work of the Committee; the harmonization of working methods between treaty bodies; the optional reporting procedure of the Committee, which consists of lists of issues to be transmitted prior to the submission of periodic reports; and general comments.

**Food for Thought
Discussion Notes
Friday, 12 April 2013**

Informal-informals

To discuss the establishment of a treaty body **jurisprudence database** on individual cases including information on their follow-up, joint treaty body **working group on communications**, review of good practices regarding the **application of rules of procedure** and methods of work and adoption of common guidelines, **reprisals** and the treaty bodies' **follow-up procedures**.

1. Establishment of a treaty body jurisprudence database on individual cases including information on their follow-up

At the experts meeting on petitions held in October 2011, experts underlined the need for a good functioning jurisprudence database on individual cases. Since June 2010, OHCHR is progressing on the development of such a database. This database would allow for more accessibility of treaty body jurisprudence on individual cases to treaty bodies members, States Parties, civil society, academics and other stakeholders. It is developed on the same platform as the Universal Human Rights Index (UHRI).

The proposal is for the establishment of a well-functioning and up-to-date treaty body jurisprudence database on individual cases, searchable in all six official United Nations languages, as well as to redesign the OHCHR webpages on the individual complaint procedures of the Treaty Bodies to make them more accessible.

Overview of resource implications

The hiring of an IT consultant and a data entry clerk under this project, initially for 9 months each (estimated cost: USD 93,000), as well as setting aside dedicated capacity of one staff member at the P-3 level for 6 months annually (USD101,000 annually).

Q. Would a treaty body jurisprudence database on individual cases be helpful and what considerations should be taken into account if such database was established?

2. A joint treaty body working group on communications

The Committee on the Elimination of Racial Discrimination (CERD), in its letter of 9 March 2012, proposed the creation of a joint treaty body working group on communications, composed of experts of different treaty bodies. The recommendations emanating from the Working Group would be brought to the attention of the plenary of the treaty body to which the communication was addressed for formal adoption. Alternatively, other ways of ensuring consistency of jurisprudence could be considered, through for example establishing procedures allowing for consultation of a treaty body with specialized competence on the matter under consideration and/or development of aligned working approaches of all treaty bodies dealing with communications.

Currently, two treaty bodies (the Human Rights Committee and CEDAW) have between them a total of five weeks of dedicated meeting time annually at their disposal to discuss individual cases and make recommendations for adoption to the plenary. CAT, CRPD and CERD deal with individual communications within their plenary meetings, as will CED, CRC and CESCR when communications start arriving. With the multiplication of individual communications' procedures, there is an increased need for coherence in treaty bodies' jurisprudence within the dictates of their treaty body mandates.

Overview of resource implications

The proposal would be essentially cost neutral if the existing five weeks of meeting time for the Human Rights Committee and CEDAW were transformed into meeting time for such a joint Working Group in which one expert per treaty body would participate.

Q. Would a joint treaty body working group on communications facilitate the consideration of individual communications?

3. Review of good practices regarding the application of rules of procedure and methods of work and adoption of common guidelines

With more communications procedures being established, a review of good practices could be undertaken, which could be of use in relation to the working methods in dealing with individual communications. The idea would be to present common written guidelines on procedural matters related to the handling of the individual communications and the conduct of inquiries for all treaty bodies with a complaint procedure.

At the experts' meeting on petitions held in October 2011, the practice with regard to procedural issues related to individual communications was discussed, such as separating the discussion of admissibility from the merits, interim measures, protection measures, parties' non-compliance with deadlines and registration of cases. They recommended standardization of working methods in relation to the separation of admissibility and merits, further discussion on standardization of the practice granting interim measures requests and common guidelines in respect of deadlines for submissions. A common approach to inquiry procedures could greatly assist treaty bodies, States Parties and other actors in effectively dealing with the issues arising from them as well as to provide consistency and legal certainty in the handling by treaty bodies of procedural issues related to individual communications and inquiries.

Overview of resource implications

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

Q. Could a review of good practices regarding the application of rules of procedure and methods of work and adoption of common guidelines on handling of individual communications facilitate their consideration?

4. Reprisals

Civil society organizations have called on the treaty bodies to take all necessary measures to prevent reprisals against human rights defenders, victims and witnesses and take appropriate action to provide remedies. Treaty bodies do not have a harmonized approach on this important issue and the proposal is to address it in a consistent manner through a coordinated approach.

In order to safeguard interaction of civil society and NHRIs with the treaty bodies and ensure protection in case of reprisals against human rights defenders, the proposal is that all treaty bodies could appoint a focal point among its membership to draw attention to such cases. This would facilitate access for civil society organizations and NHRIs with knowledge about cases of reprisals to address such cases to the treaty bodies, facilitate investigation and punishment of those responsible and assist victims of acts of reprisal to receive appropriate forms of redress.

Q. Should a more coordinated approach across treaty bodies be considered?

5. The treaty bodies' follow-up procedures

All treaty bodies request States Parties to provide information on implementation of the recommendations contained in previous concluding observations in their subsequent reports. Four committees (Human Rights Committee, CEDAW, CAT and CERD) have adopted formal procedures to monitor the implementation of specific recommendations contained in concluding observations in between periodic reports. At least one other treaty body is currently considering adopting such a follow-up procedure.

Furthermore the twelfth ICM and the twenty-third meeting of chairpersons of human rights treaty bodies highlighted that with regard to periodic reports, previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State Party since the previous review. This constitutes an inherent follow-up mechanism of the treaty bodies in the context of the review of periodic reports. Similarly, all treaty bodies with a mandate to consider individual communications request follow-up information, within a specified time frame, from the State Party concerned in all cases in which a breach of the respective treaty is found.

If there was however certainty that the next reports will be examined as scheduled, the treaty bodies that regularly use a follow-up procedure will be less compelled to request additional inter-sessional information. Irrespective of a master calendar being adopted or not, the follow-up procedures could be simplified and improved. The follow-up of concluding observations as well as individual communications procedures could at a minimum be aligned across treaty bodies. Treaty bodies could adopt common guidelines for these procedures.

Overview of resource implications

Follow-up procedures are resource intensive on staff and are currently under-resourced but a costing is dependent on how the treaty bodies evolve the procedure further or not.

Q. Should a more coordinated approach to the follow up of treaty bodies be considered?

Food for Thought
Discussion Notes
Wednesday, 17 April 2013

Informal-informals

To discuss the **capacity of States** to report to human rights treaty bodies and follow up on concluding observations capacity and to discuss remaining issues from the February consultations, namely the 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. Capacity-building activities relating to reporting

Over 20 requests for reporting capacity-building activities are positively responded to by Headquarters on average per year, often in partnership with OHCHR and other United Nations field presences or entities (such as UNDP, UN Women, UNICEF or the United Nations Department of Peacekeeping Operations). In addition to technical support to national actors on reporting to and cooperating with the human rights treaty body system, a number of OHCHR field presences offer direct assistance to States and other stakeholders on treaty work and cooperation with treaty bodies including assisting States in their implementation of recommendations.

This is done increasingly in partnership with UNCTs and the Resident Coordinator (RC) and more and more in cooperation with regional organizations and the donor community, including development funds. For example the UNDP Regional Centre in Bratislava has set up a UPR follow-up Financial Facility. OHCHR recently conducted a number of regional workshops on the follow-up to treaty bodies, special procedures and UPR recommendations. This promotes a coordinated approach towards the implementation of recommendations from all the international human rights mechanisms with the aim of fostering the exchange of good practices and equipping participants with methodological and technical tools to assist them in clustering, prioritizing and integrating recommendations from various UN human rights mechanisms into a follow-up strategy at the national level.

Technical assistance has become increasingly complex due to the specificities of each of the nine core international human rights treaties and their optional protocols. This requires specialized capacities to be developed and/or strengthened in various Ministries and areas of work of State authorities as well as among National Human Rights Institutions, civil society actors and the United Nations, especially UNCTs. Each treaty is specific and may require its own domestic awareness raising, training and capacity-building processes, and it often has its own constituency among domestic actors. It is therefore essential to provide support to States to enable them to benefit fully from treaty bodies to build sustained reporting and expertise and support the establishment of proper reporting and coordination mechanisms at the national level.

The proposal is for OHCHR to further refine its capacity-building strategy to assist State Parties in a sustainable and effective manner in meeting their reporting obligations. This can only be achieved if it is nationally owned and properly integrated.

To make best use of the limited resources available, priority needs to 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 as well as States who decide to establish or reinforce standing national reporting and coordination mechanisms, which could lead to a more sustainable impact for OHCHR's capacity-building activities. Insofar as possible, these activities should be convened in partnership with the UNCT and United Nations Resident Coordinator and through them, 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.

Overview of resource implications

Capacity building activities, including reporting training workshops, have varying costs depending on the location, format and number of participants. Whenever possible and according to funding levels, technical assistance and capacity building is foreseen within OHCHR's existing work plans in countries where the Office has a presence and at headquarters (also through the UPR Trust Fund to facilitate follow-up on UPR recommendations, including on treaty ratification and reporting).

At the same time, it is clear that the increased support of States for the capacity-building activities of the United Nations system, in particular that of OHCHR, is required to assist State Parties in meeting their reporting obligations and in supporting them in the implementation of the treaty bodies' recommendations.

Q. Should the capacity building activities of the UN system, in particular that of OHCHR, be furthered strengthened?

2. A standing national reporting and coordination mechanism

The growth of the treaty body system and the establishment of the UPR mechanism in 2008 have led to an exponential growth in the number of reports to be submitted and of recommendations to be implemented by State Parties. In order to address these challenges, some States have established a permanent mechanism to lead, coordinate, consult and monitor the implementation of recommendations from treaty bodies and other human rights mechanisms and to prepare their periodic reports. Further, some States have given the mechanism a basis in law, to ensure continuity and stability and to oblige the active cooperation of all relevant government ministries. Many others, however, continue to rely on ad hoc committees that are disbanded after the submission of the report(s) that they were established to prepare.

The proposal is to encourage State Parties to establish or reinforce a standing national reporting and coordination mechanism, aimed at facilitating both timely reporting and improved coordination in follow-up to treaty bodies' recommendations and decisions. Standing national reporting and coordination mechanisms (SNRCM) could deal with reporting to all United Nations human rights mechanisms requirements with the objectives of reaching efficiency, coordination, coherence and synergies at the national level.

In addition, the standing national reporting and coordination mechanism could further analyse and cluster recommendations from all human rights mechanisms, thematically and/or operationally (according to the institution(s) responsible for implementing them), identify relevant actors involved in the implementation of the recommendations and guide them throughout the process.

Overview of resource implications

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

Q. Should State Parties be encouraged to establish a standing national reporting and coordination mechanism?

3. 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 State 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. **Between 2006 and 2012, 58 State 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?

4. 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 State 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)?

5. 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?

6. 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 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 for 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 budget-setting 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?