

## RESEARCH BRIEF

### IMPLEMENTING THE TREATY BODY REVIEW 2020 – WHERE DO WE STAND

#### KEY MESSAGES

- While progress has been made since Res. 68/268 was adopted in 2014, the Report of the co-facilitators recommended that treaty bodies accelerate their efforts towards the strengthening of the treaty body system in a number of key areas. Inter alia, these proposals can be broadly divided into three main categories: (I) the development of a predictable schedule of reviews, (II) alignment of working methods and (III) digitalization to help enhance the work of the treaty bodies.
- The current irregular and incoherent schedule of reviews across the treaty body system constitutes a major issue for its visibility, the coherence of its outputs and encouragement for timely and full cooperation towards increased domestic stakeholder accessibility. As such, a predictable schedule of reviews should be coordinated across all Committees and include the due dates for State parties' reports and appearance dates. A predictable eight-year cycle with a "Follow-up Review" would be a welcome solution to this end, reducing the reporting burden and making the reporting system simpler, more efficient and closer to the national context, therefore supporting State parties to focus on follow-up and implementation.
- Although important steps taken towards the alignment of working methods have been taken since 2020, treaty body experts expressed that more changes of working methods could still be considered and that all Committees should do so in a unified manner unless a demonstrable specificity requires otherwise. It has been proposed that a mechanism dedicated to regularly analyse and support harmonising working methods be created, including the delegation to focal points and through the empowerment of the Annual Meeting of Chairs to this effect. It has been further suggested to have an inter-Committee structure with a coordinated working methods agenda for all treaty bodies.
- The unprecedented challenges posed by the COVID pandemic have highlighted the need to adapt to digital technologies in order to increase the accessibility, transparency and efficiency of the treaty body system. While in presence sessions should remain the rule, the possibility of organizing hybrid sessions could be considered as well as moving some areas of treaty bodies' work, online, when possible. Additionally, the pandemic and the 2020 Treaty Body Review have also provided a clear roadmap on ways forward with regard to digitalization: the creation of a case and document management system for petitions, a knowledge management system and an online portal for accessing information and submitting documents in a safe and confidential manner.

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## INTRODUCTION AND OBJECTIVES

The 34th [Annual Meeting of Chairpersons of the Human Rights Treaty Bodies](#) represents a critical opportunity to advance on the strengthening agenda set out by General Assembly Resolution 68/268 and reinforced by the [Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system](#)<sup>1</sup>, submitted to the General Assembly at the end of the Treaty Body Review 2020 process. At the same time, it also represents an opportunity to act upon the Chairs' agreed [vision on the future of the treaty body system](#), adopted at their 31st Annual Meeting of June 2019.

While progress has been made since Res. 68/268 was adopted in 2014, the co-facilitators of the review recommended that treaty bodies accelerate their efforts towards the strengthening of the treaty body system in a number of key areas. Inter alia, these proposals can be broadly divided into three main categories: (I) the development of a predictable schedule of reviews, (II) alignment of working methods and (III) digitalization to help enhance the work of the treaty bodies. In light of the 34th Annual Meeting of Chairpersons, OHCHR has published a suite of reports which track the current implementation status of decisions and recommendations of the Chairs (2022), most notably:

- [Tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies: Aide-mémoire \(HRI/MC/2022/2\)](#);
- [Progress made on the alignment of working methods and practices of the treaty bodies \(HRI/MC/2022/3\)](#);
- [OHCHR's Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022](#)

To accompany such process, the Geneva Human Rights Platform initiated a series of events, the [GHRP Fridays](#), during which diplomats, treaty body members, OHCHR staff and civil society discussed the results of the review and practical ways to implement change.<sup>2</sup> From November

<sup>1</sup> [A/75/601](#).

<sup>2</sup> The GHRP Fridays are organized and hosted by the team of the Geneva Human Rights Platform and co-sponsored by the following Permanent Missions: Belgium, Canada, Costa Rica, Morocco, Switzerland, and Uruguay.

2021 to February 2022, the GHRP organized four thematic discussions based on specific recommendations contained in the Swiss-Moroccan co-facilitator report of the 2020 Review Process: (1) Harmonized COVID Working Methods; (2) Predictable Review Schedule; (3) Nominations, Elections and Membership and (4) Digital Uplift. The series will be continued throughout 2022 with discussions on the Focused Review, on the handling of Individual Communications through a case management portal as well as on digital human rights tracking tools for national-level reporting and follow-up.

This Research Brief outlines the main issues discussed during these thematic discussions, including good practices, challenges and practical recommendations on ways forward. Taking stock of the current implementation status of key decisions and recommendations by all relevant stakeholders - including treaty bodies, OHCHR and Member States - the analysis that follows unpacks their significance for the strengthening of the treaty body system.

## PREDICTABLE SCHEDULE OF REVIEWS

Based on the Chairs' agreed vision adopted at their 31st annual meeting of June 2019<sup>3</sup>, the Chairs conveyed to the co-facilitators the decisions taken by the committees to establish a predictable review cycle for all States parties in accordance with a fixed review schedule, whether reporting or not reporting, and to consider replacing every second review with a focused review, which could consist of an in situ visit by one member of the treaty body with one member of the Secretariat to engage with the State party.<sup>4</sup>

In their 2020 report, the co-facilitators considered that, in order to better inform the discussions and with the aim to increase the reporting compliance to its fullest extent, the OHCHR could prepare, in coordination with the treaty bodies, a proposed schedule and estimated costing for predictable review cycles. Such a calendar should aim to maximize synergies between reviews and take into account the resource constraints of States parties, including those of small States, 'Small Island Developing States' (SIDS) and 'Least Developed countries' (LDCs). The scheduling of States reviews by OHCHR should also factor in other reporting obligations, including to the Universal Periodic Review.<sup>5</sup> The co-facilitators further acknowledged the positive value of introducing reviews in the region as an important step

<sup>3</sup> See [A/74/256](#), Annex III.

<sup>4</sup> [A/75/346](#), para. 46 (h); see also para. 46 (j).

<sup>5</sup> [Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system](#), para. 56.

towards increased domestic stakeholder accessibility, enhanced visibility of the treaty body system and closer interaction with national and regional human rights systems. Therefore, the co-facilitators encouraged treaty bodies' engagement with UN Member States at regional level.<sup>6</sup> As such, the GHRP embarked on a series of pilots, in collaboration with the Commonwealth Secretariat and TB-NET, in order to test through empirical evidence how a treaty body Focused Review in the regions would function.<sup>7</sup>

In the build up to the 34th annual meeting, the Chairs discussed different proposals for a predictable schedule of reviews. Based on the Chairs' agreed vision adopted at their 31st annual meeting of June 2019, the CRPD had originally proposed to introduce a predictable schedule of reviews based on a five-year review cycle, factoring in the dates of the UPR, on the basis of alternating between full reviews and "focused reviews".<sup>8</sup> Six treaty bodies (the HRCtee, CESCR, CEDAW, CRC, CMW, and CERD) stated their support for an eight-year review cycle for full reviews with follow-up in-between, and to offering to States parties the simplified reporting procedure as the default procedure (i.e. States parties would be requested to inform the Committee concerned if they wish to opt out). CED and SPT - which do not review periodic reports - expressed support for predictable schedules, while noting that the specificity of their respective mandates and working methods would need to be taken into account. CAT reiterated that the Committee was not in favour of a consolidated calendar with a firmly fixed timetable of reviews of States parties by all Committees, and that for any review schedule to be feasible it would need to allow a degree of flexibility.<sup>9</sup>

The latest indications on possible upcoming decisions of the Chairs can be found within OHCHR's Analytical Summary of trends.<sup>10</sup> During informal conversations with Chairs and experts of the treaty body system in early 2022, a consensus emerged for a predictable eight-year cycle with a "Follow-up Review" in-between, thus dropping the notion of "Focused Review" and replacing it by the clearer term of "Follow-up Review". A "Follow-up Review"

<sup>6</sup> Ibid. para 69.

<sup>7</sup> To access the reports of the two treaty body focused review pilots: [https://www.geneva-academy.ch/joomlatools-files/docman-files/FRSI%20Project%20Report\\_for%20website%20.pdf](https://www.geneva-academy.ch/joomlatools-files/docman-files/FRSI%20Project%20Report_for%20website%20.pdf) (Sierra Leone, 2021) and <https://www.geneva-academy.ch/joomlatools-files/docman-files/Grenada%20Report.pdf> (Grenada, 2022). Further pilots will take place in Europe and the Asia-Pacific regions between 2022 and 2023.

<sup>8</sup> See [Proposal by the Committee on the Rights of Persons with Disabilities \(3 August 2021\)](#).

<sup>9</sup> OHCHR's [Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022, p. 2](#).

would constitute an intermediary review between two full reviews over an eight-year cycle. A predictable eight-year cycle with a "Follow-up Review" in-between would ensure equal treatment of all States and facilitate compliance with their reporting obligations. It would also allow treaty bodies to avoid unnecessary duplication or repetition of recommendations, which were largely attributed to the lack of certainty about States' subsequent engagement with other treaty bodies. The view was expressed that it was also necessary to factor in the UPR calendar. While drawing on the current follow-up procedures, its harmonized modalities would need to be further defined.

## ALIGNMENT OF WORKING METHODS

Aligning working methods is essential for making the transition to a predictable schedule of reviews and for facilitating the digital shift and the development of online tools, which the Chairs have agreed is a priority. The report of the co-facilitators expressed the view that the Chairs of treaty bodies should play a central role in further harmonizing the different treaty bodies' working methods, including by continuing initiatives to enhance coordination and to share best practices across treaty bodies. In this regard, the co-facilitators further recommend that OHCHR could be requested to present a suggested model for rationalized, harmonized and modern working methods for treaty bodies, drawing on the views and conclusions of the consultation process, successive treaty body Chairs' meetings and lessons learned during the COVID-19 pandemic.<sup>10</sup> Below is a selection of key elements considered and/or endorsed by all treaty bodies, divided by relevant procedure: state reporting, individual communications and inquiries, general comments and reprisals. Regardless of such important steps taken towards the alignment of working methods, treaty body experts during the 2022 informal conversations with Chairs and experts of expressed that more changes of working methods could still be considered and that all Committees should do so in a unified manner unless a demonstrable specificity requires otherwise.<sup>11</sup> It was proposed that a mechanism dedicated to regularly analyse and support harmonising working methods be created, suggesting it should be factored into a proposal for costing. It was further suggested to have an inter-Committee

<sup>10</sup> [Report of the co-facilitators on the process of the consideration of the state of the UN human rights treaty body system](#), para.s 35 – 36.

<sup>11</sup> OHCHR's [Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022, pp. 3-4](#).

structure with a coordinated working methods agenda for all treaty bodies.<sup>12</sup> The proposal to assign focal points in each Committee for working methods was considered important to exchange good practices and suggest improvements that could be adopted by all Committees as long as there was no specific reason for a Committee not to align with the general working methods of other Committees. OHCHR shared its conviction, based on experience, that efforts to harmonize working methods could only lead to positive results if focal points were delegated and if the Chairs meeting was empowered to reach its own conclusions, after proper internal consultation within each Committee.<sup>13</sup>

## REPORTING PROCEDURE

In 2019 the Chairs agreed, in their position paper on the future of the treaty body system, to align procedures and working methods in order to facilitate enhanced interaction between States parties and other stakeholders and the treaty bodies.<sup>14</sup> To date, several key steps have been taken by the treaty bodies towards the alignment of their working methods under the state reporting procedure:

Where relevant, all treaty bodies agree to offer simplified reporting procedures to all States parties for periodic reports and may also offer it for initial reports. All treaty bodies offering such procedures for initial reports will develop a standard list of issues prior to reporting.<sup>15</sup> The Chairs have also decided to make the simplified reporting procedure the default procedure for periodic reports, and if the treaty body concerned so decides, for initial reports, from which States parties can opt out.<sup>16</sup>

The Chairs have endorsed the possible elements for a common aligned procedure for the simplified reporting procedure.<sup>17</sup>

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12 *ibid.*

13 See [General Assembly resolution 68/268](#), paragraph 38 which “encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods”. See also, [A/74/256](#), para. 57 “The Chairs recalled the decision, taken at their previous meetings (A/70/302, para. 88), that they should adopt measures on working methods and procedural matters that were common across the treaty body system, and that such measures should be implemented by all treaty bodies unless a treaty body subsequently dissociated itself from the system.”; See also [the outcome document of the meeting held in Dublin in November 2009](#), para.26 on the process of strengthening the United Nations human rights treaty body system (see <http://www.ohchr.org/EN/HRBodies/HRTD/Pages/Documents.aspx>).

14 [A/74/256](#), annex III.

15 *Ibid.*

16 [A/75/346](#), para. 46 (k).

17 See [A/74/256](#), annex II.

All treaty bodies will coordinate their list of issues prior to reporting to ensure that their dialogues with States parties are comprehensive and do not raise substantively similar questions in the same time period. Lists of issues prior to reporting will be limited to 25 to 30 questions.<sup>18</sup> When relevant, there should be cross-referencing and reinforcement of the recommendations of other treaty bodies, the universal periodic review and special procedure mandate holders.<sup>19</sup>

The Chairs have agreed to review States parties in the absence of a report.<sup>20</sup> The Chairs had already suggested that in the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue.<sup>21</sup>

All treaty bodies have agreed to follow the same general format for the consideration of reports during their Geneva sessions, that is, 6 hours in total, distributed over two sessions within a 24-hour period. In addition, written replies could be provided by the State concerned within 48 hours of the conclusion of the oral dialogue, if needed and appropriate. Exceptionally, the dialogue may take place by videoconference.<sup>22</sup> In this regard, all relevant treaty bodies have considered/endorsed a guidance note for States parties on the constructive dialogue with the human rights treaty bodies.<sup>23</sup>

The Chairs have endorsed the framework for concluding observations, to be applied flexibly.<sup>24</sup> The Chairs have also endorsed the format of concluding observations.<sup>25</sup>

All treaty bodies engaging in follow-up to concluding observations will adhere to the process previously endorsed by the Chairs in its report entitled “Procedures of the human rights treaty bodies for following up on concluding observations, decisions and views”,<sup>26</sup> with a maximum of four urgent recommendations being selected by each committee from the concluding observations, and the State party will be requested to respond to follow-up within a fixed period from the date of the review.<sup>27</sup>

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18 *Ibid.* annex III.

19 [A/66/860](#), 2012, sect. 4.2.6. See also [HRI/MC/2014/2](#), para. 33 (e).

20 *Ibid.* annex II.

21 *Ibid.*, annex III.

22 *Ibid.*

23 [A/69/285](#), annex I.

24 *Ibid.*, annex II.

25 See [HRI/MC/2014/2](#).

26 [HRI/MC/2018/4](#).

27 [A/74/256](#), annex III.

Possible elements for a common aligned procedure for follow-up to concluding observations were put forward for discussion<sup>28</sup> and endorsed at the thirtieth meeting of Chairs.<sup>29</sup>

Within the context of reporting procedures, the suggested formats for alternative reports will be aligned, as will the deadline for their submission and the scheduling of private meetings. Private meetings may be conducted by videoconference, if necessary.<sup>30</sup>

The Chairs have considered and endorsed elements of a common approach to engagement with national human rights institutions.<sup>31</sup>

## INDIVIDUAL COMMUNICATIONS (REMEDIES)

During the 2022 informal conversations, several treaty body experts shared their concerns with regard to the treaty bodies' work on petitions.<sup>32</sup> They stressed the importance of the work of the Petitions and Urgent Action Section (PUAS), and the severe overload of work it faced, noting that individual communications remained a priority. Experts expressed concern regarding the petitions backlog and underlined the need for increased resources to improve the petitions system and follow up, including through digital tools. The lack of a modern data management system has led to a significant loss of time on manual processing and actions on various stages of individual complaints. Two issues were critical, namely the development of modern technology, on which OHCHR has started to act with the support of a number of donors, and human resources, which OHCHR hoped to address through the 4th Secretary-General's status report so as to clarify to member States what action and support was needed. In May 2022, the GHRP and the Paris Human Rights Center organized an informal meeting for PUAS staff and the rapporteurs for communications of all relevant committees. On this occasion, discussions focused on the progress that is currently being made on technical issues, aimed at facilitating the interaction of users with the system, both State parties and claimants. There seemed to be a general consensus among the discussants also on the alignment of working methods where no reason for differences exist. This is an important step aimed at paving

<sup>28</sup> [HRI/MC/2018/4](#), para. 11.

<sup>29</sup> [A/73/140](#), annex II.

<sup>30</sup> See [A/74/256](#), annex III.

<sup>31</sup> See [HRI/MC/2017/3](#).

<sup>32</sup> OHCHR's [Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022](#), p. 5.

the way for digitalization, a transformation which will be made much easier if less specificities and differences have to be built in.

In relation to remedies, the Chairs agreed that there was a need to compare the jurisprudence of the respective treaty bodies, with the objective of distilling good practices and establishing the full range of remedies that could guide the treaty bodies in their decisions, including measures of restitution, monetary compensation, rehabilitation measures, satisfaction measures and guarantees of non-repetition.<sup>33</sup>

The Chairs decided to identify common elements with respect to the practices in the area of remedies in the different treaty bodies.<sup>34</sup> A list of possible elements of a common aligned procedure for follow-up to decisions and views that were proposed and endorsed by the Chairs is included in the Aide-mémoire on [Tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies](#). ([HRI/MC/2022/2](#)).

## INQUIRIES AND COUNTRY VISITS

The [Background paper on Inquiries and Country visits \(HRI/MC/2022/CRP.3\)](#), prepared for submission to the Chairs at their thirty-fourth meeting, contains an overview of existing guidance and practices and is aimed at assisting treaty bodies in preparing draft common guidelines for establishing common procedures regarding inquiries and country visits, drawing on best practices and in reference to the note by the Secretariat on identifying progress achieved in aligning the working methods and practices of the treaty bodies.<sup>35</sup> There appears to be a common understanding on further necessary alignment regarding certain elements relating to:

- the threshold for triggering an inquiry or a country visit;
- confidentiality of documents and proceedings;
- protection of victims and witnesses;
- engagement with stakeholders and sources of information;
- follow-up and implementation;
- information sharing and institution building.<sup>36</sup>

## GENERAL COMMENTS

<sup>33</sup> [A/71/270](#), para. 37.

<sup>34</sup> [A/72/177](#), para. 51. See also [HRI/MC/2018/3](#), para. 90.

<sup>35</sup> [HRI/MC/2018/3](#).

<sup>36</sup> See [Background paper on Inquiries and Country visits \(HRI/MC/2022/CRP.3\)](#).

The Chairs have endorsed a common methodology for the elaboration of and consultations on general comments.<sup>37</sup>

## REPRISALS

The Chairs have unanimously endorsed the Guidelines against Intimidation or Reprisals (San José Guidelines).<sup>38</sup>

## DIGITALIZATION

The exceptional situation during the COVID-19 pandemic forced treaty bodies to find temporary solutions to continue their work in absence of face-to-face meetings and travel. While the establishment of the inter-committee working group on COVID-19 and other initiatives by individual committees have produced food for thought on ways for treaty bodies to work online, the pandemic has also exacerbated existing challenges and gaps.

Treaty body members have reported facing a wall of bureaucracy in attempting to use digital platforms such as Zoom and regretted the limited availability of interpretation services in UN languages for their online meetings, constraints that were further compounded by the time difference amongst members. Treaty body members have also raised the need to adapt the regulations regarding the Daily Subsistence Allowance (DSA) for online sessions, albeit acknowledging that such a proposal would be unlikely to be adopted by the Fifth Committee. Another issue affecting the work of the treaty bodies is the lack of formal communication channels between members and committees to work together and advance common issues, aside from the annual meeting of chairpersons meeting and the [Treaty Body Members' Platform \(TBMP\)](#) hosted by the Geneva Human Rights Platform.

With regard to online sessions of the Committees, views differ as to whether this practice could be implemented in a post Covid-19 setting with certain commentators arguing that fully virtual reviews have yielded promising results, including a more structured dialogue and greater participation from State parties and other stakeholders who would otherwise not be able to participate in Geneva. On the other hand, others have raised the issue of confidentiality especially for participation of NGOs dealing with individual communications and underlined the value in having the members in Geneva, taking into account the fundamental nature of treaty bodies as collegial bodies made up of experts dealing with complex legal issues. Thus, the possibility

of organizing hybrid sessions with part of the delegation remaining in capital could be envisaged as a practical way forward. Nonetheless, due consideration should be given to the digital divide amongst State parties as well as the need to strengthen outreach efforts on participation through online methods, in particular for NGOs. Mention was also made of moving some other aspects of the work of treaty bodies online such as regional consultations for Days of General Discussions or General Comments.<sup>39</sup>

While the impact of the COVID pandemic has shown the serious logistical, technological, and financial challenges the UN is grappling with, in many ways it has also accelerated the pace of digitization of OHCHR. In 2021, OHCHR hired a senior IT consultant to conduct a comprehensive and unprecedented assessment of all existing IT infrastructure for all mechanisms, which revealed an enormous fragmentation of IT solutions. In light of these findings, it was thus decided that the digitalization of UN human rights mechanisms will be piloted under the Office-wide digital transformation process, aimed to reinforce data-driven human rights advocacy by harnessing the potential of digital platforms to advance human rights, as presented in the [UN Human Rights Appeal 2022](#). With a view to increase the accessibility, efficiency and transparency of UN human rights mechanisms, the Office is envisaging the transition to a robust and integrated digital structure with three major components: (1) a case and document management system; (2) an input and external relation system to exchange information in both directions; (3) and an integrated knowledge management system.

Recalling the increasing backlog in individual communications, treaty body members and OHCHR representatives have since underscored the urgent need for a deeper digital transformation in relation to the PUAS, notably through the development of a case and document management system, which could also include an online submission portal. To date, the absence of digital solutions have rendered the processing of complaints extremely time consuming and work intensive for the PUAS, a burden that is likely to grow with the increasing awareness of the individual complaints procedures and increasing acceptance by State Parties of the competence of the treaty bodies to receive communications. It was noted that individual communications should be a priority area for this digital transformation.

<sup>37</sup> [A/70/302](#), paras. 90–91.

<sup>38</sup> *Ibid.*, para. 41.

<sup>39</sup> See also the [joint letter](#) from 43 States to the TB Chairs' 33rd meeting and the [CRPD position paper](#).

## RECOMMENDATIONS

### PREDICTABLE SCHEDULE OF REVIEWS

The current irregular and incoherent schedule of reviews across the treaty body system constitutes a major issue for its visibility, the coherence of its outputs and encouragement for timely and full cooperation towards increased domestic stakeholder accessibility. As such, a predictable schedule of reviews should be coordinated across all Committees and include the due dates for State parties' reports and appearance dates. A predictable eight-year cycle with a "Follow-up Review" would be a welcome solution to this end, reducing the reporting burden and making the reporting system simpler, more efficient and closer to the national context, therefore supporting State parties to focus on follow-up and implementation.

### ALIGNMENT OF WORKING METHODS

Cross-cutting all procedures, the framework of reasonable accommodation – a central pillar of the UN Disability Inclusion Strategy and a legal obligation embedded in the CRPD - has been integrated into treaty body working methods through the recognition of different forms of accommodation and adjustment of time, adjustment to the format of meetings, and personal assistants were being recognized and accommodated across the treaty bodies. However, the current framework is insufficient as it does not allow for individualized responses to people's needs to ensure that they can participate on an equal basis with others. What is needed is a mechanism by which an individual could explain what their requirements are to participate on an equal basis with others. If these requirements are not met, a complaint mechanism should be made available, with the aim to independently assess whether the process has been reasonable.

Specific to the state reporting procedure, the OHCHR and treaty body members have identified a number of outstanding issues<sup>40</sup>, which include the following:

- How to increase review capacity, bearing in mind that all treaty bodies have agreed to increase their capacity to review the reports of States parties and individual communications, while considering that committee members cannot be expected to contribute more than three months of their time per year (that is, a maximum of three sessions of four weeks each)<sup>41</sup>;
- The compilation of guidelines on the form and content of reports to be submitted by States Parties should be revised to include the CRPD, the CED and any further developments concerning the simplified reporting procedure<sup>42</sup>;
- Standard lists of issues prior to reporting should be developed<sup>43</sup> and internal guidelines should be developed in a coordinated manner for the drafting of lists of issues prior to reporting and of concluding observations common to all committees<sup>44</sup>;
- How to cross-reference and reinforce without adding to the length of concluding observations; arguably, concise cross-referencing may reduce the length of concluding observations (to address the word limit issue)<sup>45</sup>;
- Issues that require further discussion or clarification on the follow-up to concluding observations include the alignment of grading systems and the alignment of the time frame;
- Issues that remain outstanding regarding interaction with stakeholders include the following:
  - (a) There is no common format for alternative reports;
  - (b) Deadlines for submitting alternative reports are not harmonized;
  - (c) Scheduling of private meetings require further discussion;

<sup>40</sup> OHCHR's *Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022*.

<sup>41</sup> See A/74/256, annex III.

<sup>42</sup> A/74/256, annex II (m).

<sup>43</sup> Ibid., annex III.

<sup>44</sup> Ibid., annex II (k).

<sup>45</sup> The Chairs thought it would be unhelpful to impose a limit of 3,300 words for concluding observations on periodic reports.

(d) Modalities for sharing information and interacting with United Nations agencies and United Nations country teams require further discussion.

Regarding the individual communication procedure, the OHCHR and treaty body members have identified a number of outstanding issues<sup>46</sup>, which include the following:

- Common guidance needs to be prepared, based on existing documents;
- Assessment criteria and grading systems need to be aligned;
- The link between follow-up to views and the reporting procedure needs to be developed, as well as proposals on how to address any non-cooperation of the States parties concerned;
- A digital case-management system that will also host standard templates for communication with authors and the States parties concerned and generate, among other things, automatic timelines and reminders, needs to be developed.

In relation to the inquiry procedure, the OHCHR and treaty body members have identified a number of outstanding issues, which include the following:

- The question of how to protect the information gathered against security breaches needs to be discussed;
- It should be clarified that the rapporteur on reprisals should be responsible for dealing with letters of allegations relating to reprisals;
- Practices in relation to the issue of non-cooperation of States parties vary across treaty bodies. This issue could be further discussed with a view to exchanging good practices and considering streamlining such practices;
- The question of how to strengthen the follow-up process needs to be discussed.

## DIGITALIZATION

The unprecedented challenges posed by the COVID pandemic have highlighted the need to adapt to digital technologies in order to increase the accessibility, transparency and efficiency of the treaty body system. While in presence sessions should remain the rule, the possibility of organizing hybrid sessions could be considered as well as moving some areas of treaty bodies' work, online, when possible. Additionally, the pandemic and the 2020 Treaty Body Review have also provided a clear roadmap on ways forward with regard to digitalization: the creation of a case and document management system for petitions, a knowledge management system and an online portal for accessing information and submitting documents in a safe and confidential manner

<sup>46</sup> OHCHR's [Analytical Summary of trends emerging from the informal conversations with Chairs and experts of the human rights treaty body system, held on 23 and 24 March and 11 April 2022.](#)



## THE GENEVA ACADEMY

The Geneva Academy provides post-graduate education, conducts academic legal research and policy studies, and organizes training courses and expert meetings. We concentrate on branches of international law that relate to situations of armed conflict, protracted violence, and protection of human rights.

## TREATY BODY REVIEW 2020 AND BEYOND

The Geneva Human Rights Platform (GHRP), contributes to the Treaty Body Review 2020 initiative by providing expert input via different avenues, by facilitating dialogue on the review among various stakeholders, as well as by accompanying the development of a follow-up resolution to 68/268 in New York and in Geneva. This contribution builds upon the three-year global project of the Academic Platform, which developed models to optimize the reporting and dialogue processes of TBs.

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