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Conclusions of the Chairs of the human rights treaty bodies on the OHCHR “Working Paper - Options and guiding questions for the development of an implementation plan for the conclusions of the human rights treaty body Chairs at their 34th meeting in June 2022 (A/77/228, paras. 55-56

35th annual meeting (29 May – 2 June 2023)

Office of the High Commissioner for Human Rights

1. **The Chairs welcome with appreciation the “**[**Working Paper - Options and guiding questions for the development of an implementation plan for the conclusions of the human rights treaty body Chairs at their 34th meeting in June 2022 (A/77/228, paras. 55-56)**](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Ftreaty-bodies%2Fannualmeeting%2F35meeting%2FWorking-paper-implementation-treaty-body-Chairs-conclusions.docx&wdOrigin=BROWSELINK)**”**, that the Office of the High Commissioner for Human Rights prepared in response the human rights treaty body Chairs’ request during their 34th annual meeting in May/June 2022 ([A/77/228](https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F228&Language=E&DeviceType=Desktop&LangRequested=False), paras. 55 (c), 56). They welcome the Working Paper as an important step and a comprehensive, detailed, and technical tool to guide the consultations towards the implementation of the Chairs’ conclusions, with a view to providing possible elements for the next biennial General Assembly resolution on the human rights treaty body system in December 2024.

2. The Chairs considered, in consultations that have been and continue to be carried out with their respective human rights treaty bodies, the various options contained in the Working Paper, which are outlined in these conclusions and focused on the harmonization of working methods. The Chairs are ready to act on these, in the hope that Member States will start acting on the areas of the Working Paper that are under their prerogative, particularly concerning the modalities for an 8-year predictable schedule of reviews.

3. The Chairs warmly welcome the meeting with the High Commissioner for Human Rights during their 35th session and his intention to engage with all Member States in follow-up to the Chairs’ conclusions of June 2022 and the present conclusions, and to solicit their views on the Working Paper that will help prepare the building blocks for the next biennial General Assembly resolution on the human rights treaty body system in December 2024.

4. The Chairs are also highly encouraged by the meeting with the UN Secretary-General during their 35th session and his substantive support extended to the Chairs and the human rights treaty body strengthening process, in particular in relation to the necessary funding by Member States.

5. The Chairs further welcome the views of Member States, UN agencies, national human rights institutions, and civil society organizations that they have received during the consultations on this process.

6. The Chairs are committed to the human rights treaty body strengthening process, whose successful conclusion would enable the human rights treaty bodies to overcome the challenges faced by the human rights treaty body system today, with a view to better protect rights holders and guide duty bearers for the fulfilment of their conventional obligations. They consider that the recommendations of the co-facilitation process on human rights treaty body review 2020, the Chairs’ conclusions drawn at the 34th annual meeting of Chairpersons of the human rights treaty bodies of June 2022 (A/77/228, paras. 55-56), [OHCHR’s Working Paper on options and guiding questions](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Ftreaty-bodies%2Fannualmeeting%2F35meeting%2FWorking-paper-implementation-treaty-body-Chairs-conclusions.docx&wdOrigin=BROWSELINK) of May 2023, and the present conclusions of the 35th annual meeting provide a solid basis for the necessary strengthening of the human rights treaty body system. The Chairs wish to call on Member States and other stakeholders to support the implementation of their conclusions, based on OHCHR’s Working Paper.

On harmonization of working methods

Coordination on the harmonization of working methods and substantive coordination

7. **The Chairs agree to approach procedural and substantive coordination among the human rights treaty bodies as a matter of strategic priority**, including to advance harmonization of working methods to avoid unnecessary repetitive questions in lists of issues and lists of issues prior to reporting, to reduce duplications in concluding observations, and to develop coherence, intersectionality, and complementary jurisprudence, for the benefit of rights holders, victims, States, and all other stakeholders. Advancing the harmonization of working methods includes the strengthening of **accessibility** and the provision of **reasonable accommodation.**

8. **The Chairs highlight that the role and impact of the annual meeting of the Chairpersons has to be strengthened**, in support of both the procedural harmonization of the working methods of the human rights treaty bodies and their substantive coordination. As part of the process of the harmonization of working methods, they are committed to consider and review the guidelines on the independence and impartiality of members of the human rights treaty bodies (the **Addis Ababa guidelines**)[[1]](#footnote-2) in line with paragraph 37 of General Assembly resolution [68/268](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/53/PDF/N1345553.pdf?OpenElement). The Chairs reconfirm the “**Poznan formula**”[[2]](#footnote-3) in this respect: conclusions reached by the Chairs, previously discussed and agreed to within each of the Committees, are to be implemented by all human rights treaty bodies, unless a Committee subsequently dissociates itself from such conclusions. The human rights treaty bodies discuss and compare working methods and substantive issues that require coordination during their sessions in advance of the annual meeting of the Chairs to facilitate collective decision-making. When such discussions are not feasible during sessions the Committees will conduct online meetings intersessionally and serviced by full interpretation into the working languages of the Committees. The Committees mandate their respective Chairs to reach conclusions on aligned working methods based on practices that need to be generalised, and on issues pertaining to substantive coordination, at their annual meetings.

9. Such a role of the Chairs answers the request by States in General Assembly resolution [68/268](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F68%2F268&Language=E&DeviceType=Desktop&LangRequested=False) that ‘encourages the human rights treaty bodies, with a view to accelerating the harmonization of the human rights 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 human rights treaty bodies, ensuring coherence across the human rights treaty bodies and standardizing working methods’ (para. 38).

10. **The Chairs conclude that a coordination mechanism is needed** in order to support their above-described roles in the **harmonization of working methods and substantive coordination** on common and intersectional issues and to prepare concrete proposals for the Chairs for their conclusive action on these issues, while respecting the specificities of each Committee. OHCHR will be consulted on issues that concern their mandate and/or have budgetary and/or human resources implications.

11. For that purpose, the meetings of the human rights treaty body Chairs will be preceded by at least one online annual preparatory meeting by the coordination mechanism composed of focal points on working methods designated by each Committee. Taking into account the specificities of each Committee, this coordination mechanism will address substantive and procedural issues that require coordination and alignment on methodology and will prepare these for a decision by the Chairs. It will also receive proposals from the various Committees, States parties during their meetings with the human rights treaty bodies, as well as OHCHR. Such a structured process will ensure that Chairs’ deliberations benefit from a thorough review of best practices on working methods and jurisprudence (in the case of substantive matters) of all Committees and a pre-endorsement process that empowers the Chairs, but ensures previous discussions and contribution in collective decision-making within each human rights treaty body and through the coordination mechanism.

Constructive dialogues via videoconference

12. **The Chairs conclude that, in line with option 1 of the Working Paper on constructive dialogues via videoconference, such dialogues with States parties should take place in-person as the default modality, with hybrid meetings being limited to reviews of Small Island Developing States and Least Developed Countries and to any other State only in extraordinary circumstances**. Such constructive dialogues should be serviced by full interpretation into the working languages of the Committees (in addition to another official UN language when the State party is entitled to it)*.* The constructive dialogue via videoconference should have the same length like in-person constructive dialogues, thus, two meetings of three hours, and provide for closed captioning and interpretation into sign language.

Concluding observations

13. In order to increase the reader-friendliness of concluding observations, which positively influence the ability of States to implement the recommendations of the human rights treaty bodies, the Chairs conclude to **develop aligned guidelines and a common template for concluding observations** that would harmonize all aspects possible, while reflecting the specificities of each human rights treaty.

Engagement with stakeholders

14. The Chairs conclude, in line with option 1 of the Working Paper on interaction with stakeholders during State party reviews, that **engagement with all stakeholders, including UN agencies, national human rights institutions, and non-governmental organizations, should continue to take place and must be further promoted in the context of reviews of State party reports**. Such meetings should take place in a hybrid manner during sessions with interpretation into the working languages of the Committee, and closed captioning and interpretation into sign language, with a view to accommodate stakeholders that wish to engage in person with the human rights treaty bodies in Geneva, but also accommodating those who might wish to engage remotely for financial or other reasons.

15. The Chairs further conclude, equally in line with option 1 of the Working Paper, that Committees should **align the modalities for engaging with national human rights institutions, civil society organizations and other stakeholders and propose to develop common guidelines** in this regard.

16. The Chairs wish to **facilitate the participation of stakeholders**, including of children and other groups of rights holders with specific needs, through the development of common and adapted and accessible information material and other tools for these audiences. They request the provision of funds to enable gender-balanced engagement of representatives of such groups of rights holders with the human rights treaty bodies.

17. The Chairs agree to develop common guidelines in this regard and to strengthen their cooperation to prevent and address acts of intimidation and reprisal for cooperation with the human rights treaty bodies, in line with the **Guidelines against Intimidation or Reprisals (the San José Guidelines)**. They request Member States to take the necessary measures to prevent any such acts of intimidation or reprisals.

Accessibility of human rights treaty body work and reasonable accommodation

18. The Chairs conclude that option 2 of the Working Paper on accessibility of human rights treaty body work and reasonable accommodation adequately reflect their previous conclusions (A/77/228, para. 55 (6)). They **emphasized that a number of improvements be introduced to increase accessibility and the provision of reasonable accommodation in the context of the work of all human rights treaty bodies**. These improvements concern, inter alia:

(i) Provision of reasonable accommodation to Committee members with disabilities, including support and personal assistance;

(ii) The full accessibility of public meetings of the human rights treaty bodies;

(iii) The provision of all key documents in plain language, Easy Read and as Word versions, and, for Committee members, in Braille in the working languages of the human rights treaty bodies;

(iv) The availability of accessible information on OHCHR’s websites;

(v) The provision of funds for the provision of reasonable accommodation to external participants attending meetings of the human rights treaty bodies.

On the 8-year predictable calendar of reviews

19. **The Chairs conclude that the three options for the introduction of an 8-year predictable schedule of reviews, as presented in the Working Paper, are in line with their conclusions of the 34th Chairs’ meeting of June 2022 (A/77/228, para. 55 (1) (a)), for as long as they include the Subcommittee on Prevention of Torture and the Committee on Enforced Disappearances as part of the overall system**. While recognizing the benefits of the simplicity of the “linear” model for reviews, the Chairs intend to expand their analysis of the pilots of clustering the review of a number of States parties’ reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. They also intend to deepen their analysis of the back-to-back reviews recently conducted by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, which would be beneficial for States’ consideration of the “partial clustering” and of the “full clustering” models for the predictable review calendar.

20. The **Subcommittee on Prevention of Torture** will align itself to the 8-year predictable schedule of reviews by visiting States parties, on average, every eight years, in accordance with the Optional Protocol to the Convention against Torture.

21. The **Committee on Enforced Disappearances** is implementing its review procedures in a nimble and flexible manner that is compatible with the 8-year predictable schedule of reviews, in coordination with the other human rights treaty bodies. It has established variable timelines of reviews with the aim of focussing on the most pressing situations, while ensuring the follow-up to the implementation of its recommendations by all States parties. This, therefore, allows for an easy inclusion of the review process of the Committee on Enforced Disappearances in the envisaged predictable schedule of reviews.

22. The Chairs believe that the introduction of the 8-year predictable schedule of reviews is intended to ensure equal treatment among States, full compliance with their obligations and facilitate the engagement of States parties, rights holders, victims, and other stakeholders with the human rights treaty body system. The human rights treaty bodies acknowledge that the modalities of an 8-year predictable review calendar will, thus, have a positive impact on the national preparations of reports and the constructive dialogues by these stakeholders, as well as their implementation of and follow-up to the human rights treaty bodies’ recommendations on the national level. The Chairs confirm that any of the options for the introduction of an 8-year predictable schedule of reviews can and will be implemented by all human rights treaty bodies, if the necessary human, technical and financial resources can be provided.

Options for the modalities of follow-up reviews

23. **The Chairs agree on the need to strengthen the follow-up procedures and conclude that the three options, presented in the Working Paper, are in line with their conclusions of the 34th Chairs’ meeting (A/77/228, para. 55 (a) and (e)).** The Chairs also agree to recommend that follow-up reviews focus on up to four specific priority issues that were identified by the human rights treaty body in the full review or have emerged since then. Through cyclic dialogues with States parties between visits the **Subcommittee on Prevention of Torture** shall assess the implementation of its recommendations and continuously advise and assist National Preventive Mechanisms throughout the 8-year calendar and ongoing cooperation with the United Nations, international agencies and regional bodies to strengthen the prevention of torture. The **Committee on Enforced Disappearances** request additional information from States parties under a timeframe of every two, four or eight years depending on the level of implementation of its recommendations and fulfilment of States’ obligations and the evolution of the situation of enforced disappearances in the States parties concerned, thereby merging the follow-up review with the procedure for reporting on additional information.

Simplified reporting procedure

24. The Chairs reaffirm that the generalization of the simplified reporting procedure, with the help of digital tools, will shorten the currently prevailing long duration between the submission of a State party report and its review by the Committee and that the simplified reporting procedure will assist States parties in the preparation and submission of more focused reports. **The Chairs conclude that the simplified reporting procedure will become the default procedure for all Committees** **for both - initial and periodic - reports, with the possibility for the States parties to opt out**, except for the Committee on Enforced Disappearance that, for the time being, only applies its procedure of an examination of a State party in the absence of a report for those whose initial reports are due for five years or more, and the Subcommittee on Prevention of Torture, which does not have such a procedure. The Chairs agree to further study a possible correlation between non- and underreporting States parties and their opting out of the simplified reporting procedure.

On individual communications and inquiries

25. The Chairs recall the importance of the individual communications procedures to protect and provide redress to victims of human rights violations and **call on Member States to provide the necessary human, technical and financial resources for this core mandated activity to** **maintain the quality of the jurisprudence of the human rights treaty bodies and to cover the entire lifecycle of individual communications**, such as work done in relation to the legal assessment of new communications for registration (pre-registration stage), interim measures and procedural requests while a communication is pending.

26. The Chairs also reaffirm the importance of **mandated inquiries and country visits**, which, however, require appropriate resourcing in terms of meeting time and human, technical and financial resources that need to be provided by Member States.

On capacity-building

27. The Chairs conclude that **OHCHR’s human rights treaty body Capacity-Building Programme**, established by General Assembly resolution [68/268](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/53/PDF/N1345553.pdf?OpenElement), is well-suited to further strengthen its support to the qualitative improvement of reporting compliance of States parties. It should therefore be enhanced, and the Chairs conclude that the Committees will strengthen their cooperation with the Capacity Building Programme and contribute to enhancing its outreach and peer-to-peer learning among different national best practices. They particularly welcome the continuing adaptation of the capacity-building activities of the Programme to facilitate outreach, including through digital means that are accessible. The Capacity Building Programme should also continue to support the development of the National Recommendations Tracking Database for the use by the States parties to prepare their follow-up reviews.

Ondigitalisation

28. For rendering the human rights treaty body system more efficient to meet its constant growth and increasing challenges, and to facilitate the engagement by States, victims, national preventive mechanisms, and other stakeholders, **the Chairs conclude** that **the following should be (further) developed, also in light of the relevant and valuable observations and expectations expressed by States parties during their engagement with the human rights treaty body Chairs at their 35th session**:

(i) An accessible common webpage, to the extent possible, and a user-friendly and accessible joint submission and document management platform for States parties reporting that allow easy access to publicly available documents for external audiences, while still allowing for other formats of submissions for those who do not have access to the necessary digital tools;

(ii) A user-friendly and accessible joint submission platform and case management system for petitions submitted to all human rights treaty bodies, that have an individual communications procedure, and for urgent actions of the Committee on Enforced Disappearances, while still allowing for other formats of submissions for petitioners who do not have access to the necessary digital tools;

(iii) Accessible digital platforms that support collaborative drafting for human rights treaty body members and Secretariat staff;

(iv) The automated compilation of information on the human rights developments and progress in States Parties and of lists of documents, including reports, *inter alia*, of all human rights treaty bodies, the Universal Periodic Review, Special Procedures and OHCHR;

(v) The enhanced automation of the development and processing of standard session-related documentation;

(vi) Capacity-building activities through digital means.

29. The Chairs call on Member States to increase human, technical and financial resources to the **United Nations Office in Geneva** to ensure conference service support for accessible online and hybrid meetings of the Committees, including with interpretation into the working languages of the human rights treaty bodies, sign language, and closed captioning, throughout the official meetings, such as interactive dialogues, meetings with stakeholders and inter-sessional meetings among human rights treaty body Chairs and members.

1. [A/67/222, Annex I](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A/67/222_&Lang=en). [↑](#footnote-ref-2)
2. These modalities (the “Poznan formula”) are outlined in paragraph 56 and its corresponding footnote of the 2nd biennial report of the Secretary-General on the status of the human rights treaty body system ([A/73/309](https://undocs.org/Home/Mobile?FinalSymbol=A%2F73%2F309&Language=E&DeviceType=Desktop&LangRequested=False)). [↑](#footnote-ref-3)