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Conclusions of the Chairs of the human rights treaty bodies

36th annual meeting (24 – 28 June 2024)

Office of the High Commissioner for Human Rights

1. The human rights treaty body system is at a pivotal moment. At this critical juncture support and decisive action are essential to enhance the efficiency of collective efforts to promote and protect human rights. Ten years ago, the parameters of strengthening the treaty bodies were clearly defined, by the General Assembly’s landmark resolution 68/268 of 2014. However, this has proved insufficient to solve the ongoing systemic crisis. According to the note by the Secretariat ([HRI/MC/2024/3](https://documents.un.org/doc/undoc/gen/g24/053/48/pdf/g2405348.pdf?token=3MdWHnoZuqKlPXQOf0&fe=true)), as at 31 December 2023, 143 States parties of a total of 197 (72.6 per cent) had a total of 483 reports overdue. Despite this situation of non-compliance by many States parties with their reporting obligations, the backlog of reports to be reviewed as at 31 May 2024 was 493 reports. The highest backlog of States party reports was registered for the Committee on the Rights of the Child, including under the Optional Protocols to the Convention on the Rights of the Child (78 reports pending review), followed by the Committee on the Rights of Persons with Disabilities (68 reports), as at the end of December 2023. It would take the Committee approximately 2.74 years to clear this backlog with their current working methods and Secretariat staffing levels. The situation of individual communications is similarly of great concern: the backlog of communications that have been received and are pending review before the Committees was 1,913 as at 31 December 2023, which means that at current capacity the Committees would need approximately 6.65 years to clear the backlog without considering any new individual communications received.

2. It is also worth recalling that the resource formula set out in resolution 68/268 does not sufficiently cover a significant number of mandated activities, such as the pre-registration phase and the full cycle of individual communications or requests for interim measures, which have increased in recent years. Inquiries and country visits, urgent actions of the Committee on Enforced Disappearances, inter-State communications of the Committee on the Elimination of Racial Discrimination as well as its early warning and urgent action procedure, the follow-up procedures of all Committees and general comments are not specifically funded under the formula except based on the two weeks of meeting time per year for other mandated activities for each Committee. In 2021, while the General Assembly granted additional meeting time for treaty bodies in application of resolution 68/268, it did not approve the corresponding increase in requested staff resources, resulting in situations where the treaty bodies were not in the position to use the additional meeting time entitlements.

3. Paragraph 41 of resolution 68/268 provided that the General Assembly would review the situation of the treaty body system at the latest in 2020. In their conclusions adopted during their 31st meeting of June 2019, the Chairs expressed their common vision of the future of the treaty body system, including the idea of a predictable calendar of review. Two co-facilitators were appointed by the president of the General Assembly and submitted their report containing concrete proposals based on broad consultations with Member States and other stakeholders. In its resolution 75/174, the General Assembly took note of the report of the co-facilitators. In the conclusions of their 34th meeting in 2022, the Chairs addressed the key recommendations contained in the co-facilitators’ report, including by agreeing to establish a predictable eight-year calendar of reviews that covers all treaty body reporting procedures and all States parties and requesting the Office of the High Commissioner for Human Rights to present options of implementation. In May 2023, the Office presented a Working Paper offering various, technically detailed and comprehensive options and guiding questions on the implementation of the Chairs’ conclusions. It was revised in April 2024 to reflect reactions to the Working Paper, including by States during the United Nations High Commissioner for Human Rights’ informal briefing to States on the treaty body strengthening process on 1 November 2023. In the conclusions of their 35th meeting, the Chairs welcomed 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.

4. Four years later after the review process of resolution 68/268, the Chairs wish to call on Member States and all stakeholders to support the conclusion of the treaty body strengthening process with the adoption in December 2024 of a conclusive biennial resolution with a corresponding budget and an adjusted resource formula (OPs 26 and 27 of General Assembly resolution 68/268) to implement the predictable schedule of reviews of State party reports by the treaty bodies, as stipulated in Assembly resolution 68/268, and the conclusions of the Chairs at their 34th, 35th and the present annual meetings, based on the report of the co-facilitators of the 2020 review, as detailed in the [OHCHR Working Paper on 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 (May 2023, rev April 2024)](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). The Chairs believe that time has come to ensure equal treatment among all states and full compliance with their reporting obligations to treaty bodies, as stipulated, ten years ago, by OP 34 of Assembly resolution 68/268, which “invites the human rights treaty bodies and the Office of the High Commissioner, within their respective mandates, to continue to work to increase coordination and predictability in the reporting process, including through cooperation with States parties, with the aim of achieving a clear and regularized schedule for reporting by States parties;”.

5. Since January 2024, the United Nations Secretariat has been hit by an unprecedented liquidity crisis, due to some Member States not paying their assessed contributions to the regular budget in full and/or in time. This has particularly affected the treaty body system. For the first time since the adoption of General Assembly resolution [68/268](https://undocs.org/en/A/RES/68/268), in fact in their history of more than six decades, the treaty bodies were threatened with the cancellation of sessions and country visits to prevent torture for financial reasons. This situation gives Member States the full moral value and political significance to take decisive actions on the treaty body strengthening process.

6. The Chairs warmly welcome their meeting with the UN Secretary-General during their 36th session and his support to the treaty bodies, in particular in relation to the human rights treaty body strengthening process with a view to the adoption of the next biennial General Assembly resolution on the human rights treaty body system in December 2024 and to the limitation of the impact of the liquidity crisis of the UN General Secretariat to ensure the continued implementation of international human rights obligations of States. The Chairs of the human rights treaty bodies will support the UN Secretary-General through advocacy efforts for a full inclusion of all human rights and strengthening of the international human rights mechanisms in the Pact for the Future.

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

8. The treaty body Chairs realize the importance of independence and impartiality in the fulfilment of their mandates. In light of their discussions on the status of observance, within the respective Committees, of the Guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), and in implementation of OP 37 of General Assembly resolution 68/268, the Chairs have started reviewing these guidelines, based on the lessons learned from their implementation by their respective treaty bodies. At the same time Committees also call on to States to review the process of nominations and elections of members of treaty bodies, so as to ensure that all candidates fulfil the conditions set out in the respective treaties.

**On harmonization of methods of work**

9. Committed to the continuous simplification and harmonization of their methods of work for greater efficiency, transparency, and effectiveness of the system to the benefit of States parties and other stakeholders (General Assembly resolution 68/268, OP 9), the Chairs conclude the following based on options contained in the OHCHR Working Paper.

* 1. *Simplified reporting procedure*[[1]](#footnote-2)

10. In order to ensure a harmonized approach to the State party reporting procedure in line with OPs 1 and 2 of General Assembly resolution 68/268 and the consistent implementation by all Committees with a periodic reporting procedure of the conclusions by the Chairs at their 34th annual meeting to introduce the simplified reporting procedure as the default procedure with the possibility for States parties to opt out, reconfirmed at the 35th annual meeting with a clarification that it should apply to both initial and periodic reports, to save resources under the traditional reporting procedure, and to guarantee that the information and data contained in the State party report is still up-to-date, the Chairs conclude:

1. Subject to the availability of resources, in view of the discrepancies in the time required for the preparation and adoption of lists of issues prior to reporting by the respective Committees, the Chairs reiterate their conclusions of their 34th and 35th meeting and conclude that the simplified reporting procedure genuinely becomes the default procedure with the possibility for States parties to opt out for all Committees with a periodic reporting cycle for both, initial and periodic, reports (OHCHR Working Paper guiding questions 2.2.1 and 2.2.2).
2. List of themes of the Committee on the Elimination of Racial Discrimination are transformed into lists of issues prior to reporting (OHCHR Working Paper guiding question 2.2.2).
3. Lists of issues are discontinued as a standard procedure for those States parties that opt out of the simplified reporting procedure (OHCHR Working Paper guiding question 2.2.2).
4. At the same time, the constructive dialogue is scheduled within six months of receipt of the State party report when the 8-year predictable schedule of reviews will be fully operational (OHCHR Working Paper guiding question 2.2.3).
5. The Committees coordinate to define the same procedures and deadlines regarding the transition to the simplified reporting procedure and to inform States parties, with the support of the Secretariat (OHCHR Working Paper guiding question 2.2.1).
6. A common webpage and database on the simplified reporting procedure and other related procedures (such as the review of reports on additional information for the Committee on Enforced Disappearances) is kept updated by the Secretariat for all treaty bodies to ensure complete and timely information (OHCHR Working Paper guiding question 3.1.1).
   1. *List of issues prior to reporting as the default*

11. In order to fully align the Committees’ working methods on lists of issues prior to reporting and lists of issues under exceptional circumstances for the benefit of all stakeholders, while preserving the specificities of each human rights treaty on substantive issues, the Chairs conclude:

1. The titles, standard language and the sequencing of standard paragraphs, number of questions, word limits, cross-referencing, among others, are harmonized in lists of issues prior to reporting (OHCHR Working Paper guiding questions 2.3.1, 2.3.2, 2.3.3 and 2.3.4).
2. For lists of issues prior to reporting for initial reports, the following word limits and numbers of questions are agreed (OHCHR Working Paper guiding question 2.3.5):
   1. Word limit of 6,000 words in English; 6,500 in French and Spanish;
   2. A maximum of 35 questions/paragraphs with 3 sub-questions/sub-paragraphs;
3. For lists of issues prior to reporting for periodic reports, the following word limits and numbers of questions are agreed (OHCHR Working Paper guiding question 2.3.6):
   1. Word limit of 4,500 words in English; 5,000 in French and Spanish;
   2. A maximum of 30 questions/paragraphs with 3 sub-questions/sub-paragraphs.
4. Since lists of issues are discontinued, save in exceptional circumstances, word limits or maximum number of questions depend on the particular State party under review.
   1. *State party reports and common core documents*

12. In order to ensure time and cost savings for States parties, the treaty body system and the Secretariats, to ease the burden for States parties in preparing common core documents, and to foster the availability of up-to-date information in the common core documents, the Chairs conclude that the common core document in its present form is discontinued and replaced with an accessible common core document uploaded on an online drafting platform, where the document may be updated by the State party on a regular basis and/or whenever there are new developments and data to be added relevant to the review of the State party report before any given Committee (OHCHR Working Paper guiding question 2.4.2).

* 1. *Constructive dialogues*

13. In order to further align the working methods of the Committees for the benefit of States parties and of other stakeholders in the interest of transparency, the Chairs conclude:

1. The constructive dialogues take place over a period of six hours in two different session meetings, either on the same day or on consecutive days, with closed captioning and interpretation into sign language, to allow the Committees and the State party to assess the implementation of the respective human rights treaty (OHCHR Working Paper guiding question 2.5.1).
2. The constructive dialogues will be preceded by private meetings of the respective Committee with all relevant stakeholders such as UN country teams, UN agencies, inter-governmental entities, national human rights institutions, civil society organizations, national preventive mechanisms, and other stakeholders;
3. States parties may provide further replies in writing to complement their oral replies to those questions that could not be answered immediately during the constructive dialogue with a word limit of 3,000 words, when the Committee requests specific additional information or at the convenience of the State party (official texts, such as legislation, official documents, or statistical data are excluded from the word limit) (OHCHR Working Paper guiding question 2.5.3). The written additional information of States parties are published on the webpage of the Committee, as they form part of the public dialogue (OHCHR Working Paper guiding question 2.5.5).
4. In any event, the provision of additional information in writing should be the exception rather than the rule (OHCHR Working Paper guiding question 2.5.4).
5. A deadline of 48 hours for the submission of such information will be applied during working days to allow for equal treatment of States parties in the Eastern and Western hemispheres and to apply a uniform approach irrespective of whether or not the constructive dialogue ends after the morning or afternoon meetings of the Committees (OHCHR Working Paper guiding question 2.5.3).

*2.6 Constructive dialogues by videoconference*

14. In view of the fact that constructive dialogues via videoconference are mandated by OP 23 of General Assembly resolution 68/268 and the significant constraints that small island developing States and least developed countries face as well as environmental considerations, and in order to ensure wider outreach, accessibility, and efficiency of the constructive dialogues, while preserving the interactive nature of constructive dialogues in-person for all other States parties, which should remain the rule, the Chairs conclude:

1. Hybrid or online constructive dialogues are undertaken in the case of reviews of small island developing States and least developed countries upon request by the concerned State party, which has to be furnished as early as possible, with the understanding that the treaty bodies are favourable to such requests, and in “exceptional circumstances” for all other States parties upon their request, which has to be furnished as early as possible, and upon a decision on a case-by-case basis by the concerned Committee, including through consultations with other treaty bodies as relevant and in close coordination with the Secretariat (OHCHR Working Paper guiding questions 2.6.1 and 2.6.9);
2. “Extraordinary circumstances” are defined as “… cases of force majeure, such as a natural disaster or pandemics, or other exceptional and unforeseeable circumstances or events that may prevent a State party’s delegation from attending the treaty body session specified to examine the State party’s report. Such extraordinary circumstances shall be considered to exist where the concerned treaty body concludes, based on its own assessment, that for the reasons invoked by a State party it is, or will be, practically impossible or excessively difficult to send all or some members of the delegation to attend the dialogue in-person”
3. In any event, hybrid formats of the constructive dialogues are the preferred option over fully remote participation of the State party’s delegation, i.e. there should be a delegation participating in-person in the constructive dialogue, including the Permanent Representative of the State party, which is able to reply to questions by the respective Committees as far as is possible (OHCHR Working Paper guiding question 2.6.10).

*2.7 Postponement of constructive dialogues*

15. In order to ensure the equal treatment of States parties through common criteria and an aligned approach by all Committees with a periodic reporting cycle for answering requests by States parties for the postponement of reviews, to support consultations among Committees in support of that objective, the Chairs conclude:

1. States parties may request in “exceptional circumstances” a postponement of the review of their initial or periodic reports, or of the review of their first report or report on additional information in the case of the Committee on Enforced Disappearances (OHCHR Working Paper guiding question 2.7.1);
2. “Exceptional circumstances” are defined as “… cases of force majeure, such as a natural disaster or pandemics, or other exceptional and unforeseeable circumstances or events that may prevent a State party’s delegation from attending, in person and remotely, the treaty body session originally specified to examine the State party’s report. Such extraordinary circumstances shall be considered to exist where the concerned treaty body concludes, based on its own assessment, that for the reasons invoked by a State party it is, or will be, impossible or unproductive to proceed at the session originally specified to examine the State party’s report.” (OHCHR Working Paper guiding question 2.7.2);
3. With the aim of ensuring the regular review of a State party’s implementation of international human rights treaties, requests for postponements under “exceptional circumstances” will be limited to one, in principle. Additional requests are considered by the respective Committees at their discretion. Requests for postponements should reach the respective Committees as early as possible. A postponed State party review will be rescheduled at the next possible session, depending on the review schedule of the treaty body and as soon as the situation in the State party allows (OHCHR Working Paper guiding question 2.7.5);
4. Once the 8-year predictable review cycle is established the schedule for the remaining States parties will be maintained to the extent possible, even if a dialogue was postponed, in order to ensure the predictability of the schedule and to avoid a knock-on effect (OHCHR Working Paper guiding question 2.7.6).

*2.8 Review in the absence of a State party report and/or in absence of a delegation*

16. In order to protect the integrity of the 8-year predictable schedule of reviews once it is established and of the treaty body system as a whole, and to ensure the equal treatment of States parties through regular reviews of all States parties, and to ensure that non-reporting and under-reporting States parties are included in the review process, the Chairs conclude:

1. The treaty bodies undertake reviews in the absence of a report and/or in the absence of a delegation in cases where the State party does not cooperate with the respective Committee, or did not request a postponement of the review, or if the justification provided by the State party did not warrant a postponement, e.g. because it did not meet the requirement of “exceptional circumstances” as per the definition established for postponements of dialogues (paragraph 12 above), including in cases of successive requests for postponements (OHCHR Working Paper guiding question 2.8.1). Reviews in the absence of a delegation should, to the extent possible, follow the same procedure.
2. Reviews in the absence of a report and/or in absence of a delegation will be held based on available information and following public and private meetings with UN country teams, UN agencies, national human rights institutions, national preventive mechanisms, civil society organizations and other stakeholders that are held during the session.

*2.9 Concluding observations*

17. In order to ensure consistency across all treaty bodies and to increase the reader-friendliness of the concluding observations, which positively influences the ability of States parties to implement the treaty bodies’ recommendations with the support of relevant stakeholders, the Chairs conclude:

1. The treaty bodies task the Secretariat to develop a template with common elements for concluding observations for their consideration and use (OHCHR Working Paper guiding question 2.9.1);
2. The draft concluding observations will be drafted in one of the working languages of the respective Committees.

*2.10 Interaction with stakeholders during State party reviews*

18. In order to ensure a streamlined and shortened duration of the reporting process, which is more time-efficient for all stakeholders, mainly national human rights institutions and civil society organizations, and ensures that the information provided by States parties and stakeholders is more up to date, leading to better, targeted recommendations by the Committees, the Chairs conclude:

1. To harmonize the deadlines for submissions by stakeholders to the treaty bodies as follows(OHCHR guiding questions 2.10.1, 2.10.5 and 2.10.6):
   1. Under the simplified reporting procedure, a first deadline of 12 months prior to the constructive dialogue is established to inform the lists of issues prior to reporting, and a second deadline of five months after the deadline for the replies to the lists of issues prior to reporting (and thus one month before the constructive dialogue) to inform the dialogue;
   2. For reviews of States parties that opted out of the simplified reporting procedure, stakeholders are able to submit information, under a first deadline, within three months after the deadline for the State party report and under a second deadline, within 4.5 months after the deadlines for the replies to the list of issues as far as they are still being prepared under exceptional circumstances (thus one month before the constructive dialogue).
2. A common word limit for submissions by stakeholders is established for all treaty bodies of up to 10,000 words in English and 11,500 words in French or Spanish (OHCHR Working Paper guiding question 2.10.9);
3. The treaty bodies develop and use common guidelines for submissions by stakeholders, which lay out the purpose, proposed structure, word limit and other requirements (e.g., related to the protection of victims and witnesses of human rights violations); they task the Secretariat to develop such guidelines for their consideration and use (OHCHR Working Paper guiding questions 2.10.12 and 2.10.13);
4. Briefings by stakeholders will take place during the week in which the constructive dialogue is held, as appropriate (OHCHR Working Paper guiding questions 2.10.17 and 2.10.18).

*2.13 General comments and recommendations*

19. In view of the endorsement by the Chairs of a common methodology for the elaboration of and consultations on general comments at their 27th meeting ([A/70/302](https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F302&Language=E&DeviceType=Desktop&LangRequested=False), paras. 90–91), and OP 14 of General Assembly resolution 68/268, which “…encourages the human rights treaty bodies to develop an aligned consultation process for the elaboration of general comments that provides for consultation with States parties in particular and bears in mind the views of stakeholders during the elaboration of new general comments”, and in order to systematize the working methods for the development of general comments, and to increase engagement by States parties and stakeholders with the treaty body system, the Chairs conclude:

1. All treaty bodies fully implement the decisions and recommendations on a consultation process in the elaboration of general comments, taken by the Chairs at their 27th meeting ([A/70/302](https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F302&Language=E&DeviceType=Desktop&LangRequested=False), paras. 90–91) (OHCHR Working Paper guiding question 2.13.1);
2. The treaty bodies will abolish the terminological discrepancy between “general comments” and “general recommendations” that is of a purely technical nature, without any substantive impact. All treaty bodies will use the term “general comment” (OHCHR Working Paper guiding question 2.11.29);
3. The Committees will explore the development of more joint general comments adopted by two or more Committees to foster the development of joint jurisprudence by the treaty bodies,
4. The Chairs request that a collaborative online drafting platform and accessible online dashboard be made available as it could enable treaty bodies members and Secretariat staff to smoothly contribute to the joint drafting of general comments.

*2.14 Inquiry procedures*

20. In order to align the working methods on inquiry procedures for the benefit of all stakeholders, the Chairs conclude that the treaty bodies develop and use common guidelines on inquiry and visit procedures, in accordance with the respective human rights treaties and taking as guidance the commonalities between Committees’ practices, as outlined in the background paper for the 34th meeting of treaty body Chairs ([HRI/MC/2022/3)](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2FMC%2F2022%2FCRP.3&Lang=en) and mandate the focal points on working methods of the treaty bodies to develop the guidelines (OHCHR Working Paper guiding questions 2.14.1 and 2.14.2), which cover the following areas:

1. The criteria applied when establishing thresholds for inquiries or country visits, taking into account the different standards contained in the corresponding human rights treaties;
2. The desirability of publishing inquiry results (in full reports or summary accounts) to ensure a victim-oriented approach and to facilitate implementation of the recommendations;
3. The extension of existing guidance across treaty bodies according to which the consent should be sought from the source to disclose its identity prior to any engagement with the State party under inquiry or visit;
4. A common protocol in relation to reprisals in the context of inquiries and country visits;
5. A procedure for engaging with sources;
6. Common guidance on follow-up to inquiries and country visits.

**On the Committees’ advisory mechanism for harmonization**

21. Building upon their conclusions of their 35th meeting to establish a Committee coordination mechanism, as a harmonization team, for procedural and substantive coordination among the human rights treaty bodies, and following OP 38 of General Assembly resolution 68/268,the Chairs conclude on the modalities for the Committees’ advisory mechanism for harmonization:

1. In order to preserve the autonomy of the Committees, the advisory mechanism will prepare for decision-making by the Chairs of the human rights treaty bodies on the harmonization of methods of work and alignment of procedures, sharing of best practices and substantive coordination and advise and provide recommendations to the Chairs accordingly. Coordination by the advisory mechanism will be of a supportive rather than directive nature.
2. In a flexible, continuing and consultative process the advisory mechanism will periodically set an agenda for consideration of those areas where further harmonization and coordination among the treaty bodies is required, for example, when the 8-year predictable schedule of reviews, including follow-up reviews is implemented. This could include the prioritization of the harmonization of working methods and alignment of terminology in a first phase of discharging its mandate before moving to substantive coordination in a second phase,.
3. When considering substantive harmonization issues, the advisory mechanism should take a supportive role in identifying areas of intersectionality, mutual enhancement and possible joint action, thus fostering consistency across treaty bodies, visibility and impact of their outcomes. By focusing on identifying trends and providing information to the Chairs and the Committees, the mechanism could assist in maintaining the integrity and specificities of the mandates of each treaty body while promoting greater coherence in their approaches where beneficial.
4. The membership of the advisory mechanism should be flexible depending on the thematic area of harmonization and substantive coordination on the agenda; the Committees will decide on the nomination of the member(s) of the advisory mechanism, for example, their focal points on methods of work, or members of the working groups on communications, focal points on reprisals, rapporteurs, etc.; the Committee Chairs may join the meetings of the advisory mechanism; the Secretariat of the Committees will participate in the meetings; the Office of the High Commissioner for Human Rights must be involved in the work of the advisory mechanism and consulted on any resource implications of the recommendations of the advisory mechanism to the Chairs.
5. The advisory mechanism should be allocated adequate Secretariat support, and resources to enable it to meet at least once per year virtually or in-person. Communication among the advisory mechanism should be enhanced through the establishment of a secure information-sharing digital platform managed by the Office of the High Commissioner for Human Rights.

1. Numbers refer to Annex II of the Working Paper. [↑](#footnote-ref-2)