

Annex I

Guidance note for States parties on the constructive dialogue with the human rights treaty bodies

The human rights treaty bodies consider States parties' reports by examining them through a process that includes a constructive dialogue with representatives of the State party concerned. That dialogue helps treaty bodies understand and review the human rights situation in the State party as it pertains to the treaty concerned. It also serves as a basis for the concluding observations of the treaty bodies. The constructive dialogue offers an opportunity for States parties to receive expert advice on compliance with their international human rights commitments, which assists them in their implementation of the treaties at the national level.

Composition of State party delegations for the constructive dialogue

The treaty bodies encourage the State party delegation for the constructive dialogue to be led by a senior State figure with a responsibility for the implementation of the respective treaty. The treaty bodies also encourage States parties to include in their delegations, as far as possible, representatives with relevant expertise from key executive and other authorities responsible for the implementation of the treaty concerned, with due regard for expertise and gender balance. The State party may also wish to consider including in its delegation representatives of other relevant institutions or entities.

The reports of States parties are considered by treaty bodies in the order determined by the treaty body concerned, which is usually the order of submission. Once the date for consideration of a State party report has been set, an invitation is sent to the relevant authorities at least six months in advance of the proposed meeting. The date of the session during which the constructive dialogue is to be held may be altered only in exceptional circumstances, as determined by the Committee.

Country rapporteurs and country teams of treaty bodies

Treaty bodies may appoint members to serve as country rapporteurs, who may then act as focal points for introducing and coordinating the constructive oral dialogue with the State party delegation. Treaty bodies may also decide to mandate a broader group of members to act in this capacity. Expertise, language, and geographical and gender balance should, *inter alia*, be taken into account in the composition of such groups.

Country rapporteurs (or their equivalents within groups established for this purpose) will usually exercise primary responsibility for the preparation of the constructive oral dialogue with a State party. This includes prior consultation and coordination regarding any priority areas or issues to be considered, with a view to encouraging members of the committee to avoid both repetition and gaps in the coverage given. Supplementary questions may be posed by any treaty body member as necessary.

In accordance with the guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa guidelines”) (annex I to A/67/222 and Corr.1) and the rules of the treaty bodies, treaty body members who are nationals of the State party under review do not participate in the entire process, including the constructive dialogue and the adoption of concluding observations.

Role of the Chairs of treaty bodies during the constructive dialogue

The Chairs of the treaty bodies are responsible for ensuring that the dialogue with the State party is conducted in an interactive, effective, efficient and respectful manner.

Format of the constructive dialogue

The constructive dialogue with States parties will normally be conducted in two sessions of up to three hours and will usually be held over two consecutive working days. An additional session of up to a further three hours may be convened exceptionally when the Committee considers it appropriate and feasible.

Focus of the dialogue

During the dialogue concerning an initial report, the treaty bodies seek to cover most or all of the treaty provisions, as well as any thematic priorities or challenges that the Committee has identified. The dialogue concerning periodic reports is focused on the issues or thematic priorities identified by the treaty bodies. Such priority issues may include previous concluding observations, challenges identified in the list of issues, and possible new developments in the State party which have come to the Committee’s attention.

Clustering of the dialogue

Questions posed by treaty body members may be clustered by articles, themes or sub-themes, reflecting the substantive provisions of the respective treaty. Following the responses of the State party, further rounds of the dialogue are held until all clusters have been covered, bearing in mind the need to give the State party reasonable time to answer the questions posed by the treaty body members. Treaty body members may pose follow-up questions to the responses of the State party.

Time allocations

The Chairs of the treaty bodies are responsible for conducting proceedings in a timely manner, including ensuring respect for any time limits that have been set. States parties will be provided with information on the structure of the dialogue and an indication of the time limits for their opening statement (15-30 minutes) and for their closing remarks (up to 10 minutes), with a view to saving time for the direct exchange between the State party’s delegation and Committee members.

Languages used during the constructive dialogue

Pursuant to paragraph 30 of General Assembly resolution 68/268, on strengthening and enhancing the effective functioning of the human rights treaty body system, the treaty bodies will use three official working languages, with a fourth official language provided on an exceptional basis to facilitate communication among treaty body members, as determined by the committee concerned and without prejudice to the right of each State party to interact, both orally and in writing, with the treaty bodies in any of the six official United Nations languages.

Should a State party delegation wish to bring its own interpreters to interpret into a language other than one of the official languages, this should be brought to the attention of the secretariat at least four weeks prior to the constructive dialogue.

Public nature of meetings

The constructive dialogue with treaty bodies is held in public meetings. The United Nations should provide meeting summaries, prepared by the Department of Public Information of the Secretariat, and summary records in one of the working languages of the treaty body.

Observers, such as representatives of the United Nations and of civil society, academics and others, may attend public meetings, as long as participants have received advance accreditation. It is not necessary for an observer to be accredited with the Economic and Social Council in order to attend the public meetings of treaty bodies or to submit information to them.

Webcasting, audiotaping and filming of public meetings is permitted, when authorized, and as long as this does not interfere with the dialogue. More information regarding the United Nations media policy and accreditation is available on the website of the United Nations Office at Geneva (unog.ch).

The principle of accessibility and reasonable accommodation must be applied in the context of the constructive dialogue, pursuant to General Assembly resolution 68/268, paragraph 29. This requires the adoption of various measures, such as, inter alia, access to physical space, to information, to communication and to sign-language interpretation.

Background documentation

Background documentation pertaining to State party reviews by treaty bodies is accessible on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org). No copies are distributed in the meeting room.

Accreditation

States parties are requested to submit a list of members of their delegation by note verbale to the respective treaty body secretariat no later than two weeks prior to the start of the session, so that arrangements can be made for the issuance of the

ground passes needed to enter the United Nations premises. Members of delegations with disabilities can identify her or his accommodation needs, as explained in a guidance note (available from <http://goo.gl/g6f6Gh>). Subject to confirmation by the respective treaty body secretariats, the ground passes may generally be collected on the Friday prior to the start of the respective treaty body session at the security desks at Palais Wilson or the Pregny Gate at the Palais des Nations.

Technical briefings by the secretariats of the treaty bodies

The secretariats of the treaty bodies conduct technical briefings for States parties prior to each treaty body session to provide any further information that may be required by States parties prior to the constructive dialogue.
