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**Thirty-fourth meeting of Chairs   
of the human rights treaty bodies**

30 May–3 June 2022

Item 7 of the provisional agenda

**Progress made in the alignment of working methods and practices of the treaty bodies**

Background paper on coordination of thematic issues in the reporting procedure: analysis of 140 concluding observations regarding 46 States parties reviewed by more than one treaty body in 2018-2019

Note by the Secretariat

Introduction

1. In resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the General Assembly “encourages the human rights treaty bodies to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflect the dialogue with the relevant State party, and to this end further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and of their mandates, as well as the views of States parties”.[[1]](#footnote-2) Following upon this resolution, the treaty bodies (TBs), in their 2019 position paper on the future of the treaty body system, agreed that concluding observations (COBs) will follow the same aligned methodology for the simplified reporting procedure.[[2]](#footnote-3)

2. Beyond their format, this background paper deals with the coordination of thematic issues in COBs. It constitutes the first part of a research project which aim is to develop a methodology and corresponding tools for drafting lists of issues prior to reporting under the simplified reporting procedure and COBs with a view to enhance their coordination. Coordination of thematic issues in COBs is key for States parties to comply with their treaty obligations and implement treaty bodies’ recommendations at the domestic level. Besides, coordination of treaty body COBs is important as an input to other UN human rights mechanisms, including special procedures and the universal periodic review of the Human Rights Council (UPR). Coordinated COBs would also facilitate the involvement of all stakeholders in the review process. Overall, enhanced coordination, bearing in mind and safeguarding the specificity of each Committee and their mandates, would bring benefits in terms of efficiency and consistency and ultimately the effectiveness of the TB system. Whilst the Chairs’ position paper addresses the issue of coordination and reduction of unnecessary overlap in relation to lists of issues prior to reporting under the simplified reporting procedure, this research focusses on COBs as they reflect the interactive dialogue between Committees and States parties and represent the outcome of the review process.

3. This background paper is based on the empirical research of 140 COBs issued by the nine relevant TBs[[3]](#footnote-4) regarding the human rights situation in 46 countries in 2018 and 2019 where the same State party has been reviewed by several Committees.[[4]](#footnote-5)

4. The purpose of the research was to identify thematic areas and instances of:

i. Cross-cutting issues addressed by more than one Committee;

ii. Cross-referencing;

iii. Positive and intentional reinforcement or repetition when something needs to be highlighted repeatedly;[[5]](#footnote-6)

iv. Unnecessary and unintentional duplication or overlap.[[6]](#footnote-7)

5. Based on the research findings, a fifth category has been added to address different recommendations made by several Committees on similar topics since these also raise questions in terms of coordination.

6. It should be noted that the amount of cross-cutting issues and overlap found[[7]](#footnote-8) varies depending on which Committees have reviewed a State party within the 2018-2019 period and of course on the human rights situation in that particular country. The 46 States parties covered by the research have not all ratified the same core instruments. Moreover, due to the different reporting schedules they have not all been reviewed by the same Committees over the study period. Some combinations lead to more repetition than others. For example, Slovakia was reviewed by CESCR and CED during that period, with no substantive cross-cutting issue due to the very different scope of both treaties. Likewise, Uzbekistan was reviewed by CERD and CAT, resulting in very few issues in common. Conversely, many cross-cutting themes and similar recommendations were found concerning Mauritania, due to the overlapping scopes of CCPR and CAT, and CCPR and CERD reviews. Similarly, COBs on Mexico and Niger also revealed many cross-cutting topics and similar recommendations due to the number of reviews over the study period, including by both Covenant Committees.

7. Overall, the empirical research reveals the following main findings:

• Approximately 40 cross-cutting thematic issues addressed by more than one Committee;

• Not much cross-referencing regarding cross-cutting issues;

• Significant amount of overlap without any cross-referencing;

• Criteria needed to strengthen complementarity and avoid unnecessary repetition;

• Various degrees of different recommendations concerning similar topics.

8. These findings raise a number of questions that are presented at the end of the relevant sections and will inform the next phase of the project when developing a methodology and tools to enhance coordination of thematic issues in TB reviews.

I. Thematic cross-cutting issues addressed by more than one Committee

9. The following cross-cutting issues were found (ordered by number of appearances - most to least addressed):

1) Domestic application (41)

2) NHRI (32)

3) Equality and non-discrimination (30)

4) Migrants, refugees, asylum seekers and stateless persons (30)

5) Education (28)

6) Human trafficking (28)

7) Gender-based violence against women, including domestic violence (25)

8) Health, including mental health, environmental health, sexual and reproductive health (23)

9) Consultation with civil society (22)

10) Harmful practices, including child and forced marriage, FGM (16)

11) Gender equality (14)

12) Birth registration and nationality (13)

13) Employment, working conditions and right to work (13)

14) Participation in public affairs (13)

15) Protection of children, including corporal punishment, child labour and abuse (10)

16) Torture and ill-treatment (9)

17) Human rights defenders, NGOs and journalists (7)

18) Standard of living, social protection, poverty (6)

19) Abortion (5)

20) Children with disabilities (5)

21) Climate change (5)

22) Conditions of detention (5)

23) Discrimination on grounds of SOGI (5)

24) Rights of IDPs (5)

25) Hate speech and hate crimes (4)

26) Independence of the judiciary (4)

27) Access to justice (3)

28) Corruption (3)

29) Death penalty (3)

30) Impunity (3)

31) Liberty and security (3)

32) Persons with disabilities (3)

33) Business and human rights (2)

34) Deaths in custody (2)

35) Excessive use of force (2)

36) Extradition (2)

37) Extraterritorial jurisdiction (2)

38) Forced sterilization (2)

39) Freedom of expression (2)

40) Juvenile justice (2)

41) Migrant and domestic workers (2)

42) Psychiatric institutions (coercive measures, restraint) (2)

10. Other issues that were found once only include topics that are specific to Israel (occupied territories, Bedouin people etc.); sexual violence (Côte d’Ivoire); comfort women (Japan); exploitation of prostitution (Lao); impact of nuclear tests (Marshall Islands); incommunicado detention (Mauritania); enforced disappearances (Mexico); accountability of security personnel, humanitarian protection (Myanmar); counter-terrorism and state of emergency (Niger); conflict in Yemen, religious minorities (Saudi Arabia); pretrial detention, police custody (Senegal); mining sector, persons with albinism (South Africa); lawyers safety (Tajikistan).

11. It should be noted that this list of topics reflects the results of this particular research and some may be missing due to the limited scope of this exercise. Furthermore, the list of thematic issues that were found once only probably includes cross-cutting themes that are addressed on a more regular basis depending on the situation in the countries reviewed and the treaty concerned, such as sexual violence, enforced disappearances, incommunicado and pretrial detention etc.

12. The domestic legal and institutional framework is the most recurring theme. It also appears to be an overarching issue as the ultimate goal of COBs is to achieve legal and policy changes to bring the domestic framework in line with the relevant treaties. Recommendations generally include bringing legislation in line with the relevant Covenant/Convention or incorporating it fully into the domestic legal order. Regarding National Human Rights Institutions (NHRIs), TB recommendations usually aim to ensure that these fully comply with the Paris Principles and are provided with adequate human, technical and financial resources to carry out their mandate effectively. Depending on the domestic human rights institutional framework designed by the concerned State party, institutions include national human rights commissions, ombudspersons, but also more specific institutions such as those in charge of the advancement of women,[[8]](#footnote-9) the protection of children, equality and non-discrimination or national preventive mechanisms established in accordance with the OP-CAT.[[9]](#footnote-10)

13. Some topics are more specific than others. “Equality and non-discrimination” represents a broad theme that covers various grounds of discrimination depending on the concerned treaty and usually leads to treaty-specific COBs. Specific grounds of discrimination that are recurring and presented in distinct paragraphs, such as discrimination on the grounds of sexual orientation and gender identity or gender equality, are listed as different cross-cutting issues. Other broad topics such as health, employment and education encompass various more specific issues, such as environmental health, mental health, sexual and reproductive health; right to work and working conditions; access to inclusive education for children with disabilities respectively. Some issues cover intersectional discrimination, such as children with disabilities. This cross-cutting topic appears several times because of the overlapping provisions in the relevant Conventions (Article 23 CRC and Article 7 CRPD). CRC usually deals with this issue in a separate paragraph in its COBs and it is also addressed by CRPD. TBs already follow different approaches in addressing these broad topics, which might be a good practice to ensure COBs complementarity whilst safeguarding the specificity of each Committee and their mandates.[[10]](#footnote-11)

14. Where a more specific topic has been identified, cross-cutting issues have been considered as part of that particular category rather than the broader theme. Thus, trafficking of children has been included as part of human trafficking rather than the more general issue of protection of children as COBs relating to human trafficking generally include recommendations that are specific to child victims.

Questions to be addressed in the methodology regarding cross-cutting issues

15. From a methodology point of view, cross-cutting issues raise the question of their categorization. How should these cross-cutting topics be categorized from a human rights protection point of view? For example, how to categorize sexual abuse of children? Should they be classified according to the human rights violation(s)? Or affected persons? This is also relevant concerning intersectional and multiple forms of discrimination. What about women or children with disabilities? Or indigenous women? The issue of categorization should be further explored and addressed when developing the methodology.

16. Overall, the limited number of cross-cutting issues found in COBs means that, with adequate resources, tools and methodology, their coordination could be facilitated. These should be considered when developing a methodology for enhanced COBs coordination.

II. Cross-referencing

17. In a note prepared prior to the 2014 annual meeting of TB Chairpersons, it was suggested to “[c]ross-reference relevant recommendations of other human rights treaty bodies and mechanisms with a view to strengthening the complementarity of human rights mechanisms”.[[11]](#footnote-12) Yet, the most unexpected finding of the research is how little cross-referencing could be found in COBs. For the purpose of this study, only clear instances of cross-referencing have been listed, i.e. when the reference is explicitly quoted. The best example is when a Committee refers to another Committee’s recommendations regarding a similar issue. From a formal point of view, cross-references generally appear in the body of the text, which adds to the length of the document. Instances where the document number only is quoted, even without any other indication as to which body authored the document and its title, have also been counted as cross-references since the document is acknowledged.[[12]](#footnote-13) However, similar or identical recommendations without any reference to another body are not considered cross-references.

18. In line with the recommendations made to the TB Chairpersons,[[13]](#footnote-14) the following list presents cross-references to other TBs’ output, the universal periodic review (UPR) and special procedures of the Human Rights Council (UPR). TBs also refer to a wealth of reports, decisions and recommendations issued by other international and regional bodies, international, regional and domestic courts as well as to other international standards.

1. Cross-references to other treaty bodies’ output

19. Cross-references to other TBs’ output concern mostly but are not limited to COBs. TBs also cross-reference other Committees’ views and general comments/recommendations. Lastly, a number of very specific cross-references to SPT’s output by CAT were found.

1.1. COBs (19)

• CRPD: 6 references to COBs issued by CEDAW (eliminate discrimination against persons with disabilities in Albania; ensure representation and participation of women with disabilities in Australia; discriminatory provisions in legislations and minimum age of marriage in Saudi Arabia); CESCR (access to health care and rehabilitation services in the Russian Federation); CRC (inclusive education for children with disabilities in South Africa);

• CMW: 3 references to recommendations made by CRC, CAT and CESCR regarding the summary expulsion procedure in Argentina;

• CRC: 3 references to COBs issued by CCPR (freedom of association in Lao and legal identity in Norway) and CEDAW (oversexualized representation of girls in media in Norway);

• CESCR: 3 references to recommendations made by CRC, CAT and CMW regarding forced child begging in Senegal;

• CCPR: 2 references to recommendations formulated by CAT and CERD (statute of limitation regarding past forced sterilizations in Czechia);

• CEDAW: 1 reference to CESCR COBs (protect women HR defenders, journalists and CSOs in Angola);

• CED: 1 reference to CMW COBs (regarding Honduran migrants going missing abroad).

1.2. Views (2)

• CRC reference to CESCR Views regarding evictions in Spain;

• CRPD reference to CCPR Views regarding effective control over individuals in another jurisdiction (Saudi Arabia).

1.3. General comments/recommendations (1)

• CESCR reference to CEDAW General recommendation No. 34 on the rights of rural women (South Africa).[[14]](#footnote-15)

1.4. SPT’s output (5)

• CAT: 5 references to SPT (Mauritania,[[15]](#footnote-16) Mexico (X2),[[16]](#footnote-17) Niger[[17]](#footnote-18), South Africa[[18]](#footnote-19)).

20. CAT refers to both SPT reports on its visits to States parties (Mauritania, Mexico and Niger) and its guidelines on national preventive mechanisms (Mexico and South Africa).

2. Cross-references to UPR (14)

21. Most cross-references to the UPR of the Human Rights Council concern the domestic institutional and legal framework. Three TBs were found to cross-reference recommendations of the UPR:

• CEDAW (11) in COBs on Angola (X2 regarding access to justice and NHRI compliance with the Paris Principles),[[19]](#footnote-20) Botswana (NHRI mandate),[[20]](#footnote-21) Cambodia (X2 regarding NHRI compliance with the Paris Principles and the definition of discrimination against women in the national legislation)[[21]](#footnote-22) and Nepal (X6 in regarding access to justice, gender-based violence against women, human trafficking, nationality, health and discrimination against minority groups).[[22]](#footnote-23)

• CRC (2) in COBs on Angola[[23]](#footnote-24) and Lao[[24]](#footnote-25) (NHRI in both cases).

• CCPR (1) in COBs on Lao (commitment to ratify the International Convention for the Protection of All Persons from Enforced Disappearance).[[25]](#footnote-26)

3. Cross-references to special procedures (21)

22. Cross-references to special procedures of the Human Rights Council made by six Committees were found:

• CAT references to the Working Group on arbitrary detention (Niger), the Special Rapporteur on torture (X3), “special procedures, including” the special rapporteur on torture (Russian Federation), “special procedures” (Uzbekistan), “a former special rapporteur” (Uzbekistan);

• CRC references to the Special Rapporteur on cultural rights (Bosnia and Herzegovina), the Special Rapporteur on the right to health (Japan), the Special Rapporteur on the sale of children (Japan and Lao), the Special Rapporteur on hazardous substances (Marshall Islands);

• CEDAW references to the Special Rapporteur on hazardous substances (Marshall Islands), the Special Rapporteur on the human rights of migrants (mission to Nepal), Special Rapporteur on violence against women (New Zealand);

• CESCR references to the Working Group on business and human rights (Mexico), the Special Rapporteur on water and sanitation (Mexico), the Special Rapporteur on adequate housing (Turkmenistan);

• CCPR reference to the Special Rapporteur on slavery (Mauritania);

• CERD: “concerns raised by special rapporteurs of the Human Rights Council” (Mauritania), Special Rapporteur on indigenous peoples (Mexico).

23. In most instances, TBs recommend that the State party implement the recommendations made by special procedures, whether it is explicitly stated[[26]](#footnote-27) or formulated differently (“with reference to the recommendations made by…”[[27]](#footnote-28), “in accordance with” the recommendations of the Special Rapporteur,[[28]](#footnote-29) “as recommended by…”,[[29]](#footnote-30) “consider implementing the recommendations made by”[[30]](#footnote-31), or “give due consideration to the recommendations”[[31]](#footnote-32)). Other references include a statement made by a Special Rapporteur[[32]](#footnote-33), “concerns raised by the Special Rapporteurs of the Human Rights Council”,[[33]](#footnote-34) the situation observed by a Special Rapporteur,[[34]](#footnote-35) issuing an invitation to special procedures[[35]](#footnote-36) and standards developed by the Special Rapporteur on adequate housing.[[36]](#footnote-37)

4. Cross-references to other human rights standards, bodies and judicial decisions

24. TBs refer to a wide range of international and regional human rights standards, reports and recommendations issued by various bodies, as well as regional and domestic judicial decisions.

4.1. Sustainable Development Goals

25. Sustainable Development Goals (SDGs)[[37]](#footnote-38) are not cross-referenced consistently across TBs. CEDAW COBs include a specific section “C” on Sustainable Development Goals in which the Committee recalls the importance of Goal 5 relating to gender equality and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. Other TBs refer to SDG targets regularly in different ways. CESCR mentions SDGs in section “D” of its COBs entitled “Other recommendations” in a standard formulation.[[38]](#footnote-39) Only one other reference to SDGs could be found in CESCR COBs in a different section.[[39]](#footnote-40) For their part, CRC and CMW regularly refer to specific SDG targets in their recommendations. For example, CRC has a standard paragraph under Section IV recommending States parties ensure the realization of children‘s rights throughout the process of implementing the 2030 Agenda, ensuring also child participation. Moreover, CEDAW and CRPD draw a link between articles of the Convention and SDG targets.[[40]](#footnote-41) On the other hand, no references to SDGs could be found in CCPR, CAT and CED COBs and only a general one in CERD COBs on Honduras.[[41]](#footnote-42)

4.2. Other standards

26. TBs regularly refer to a wealth of international human rights standards developed by various international and regional systems. Thus, all TBs regularly mention the Principles relating to the Status of National Institutions (The Paris Principles), where relevant. TBs also cite a number of ILO Conventions: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)[[42]](#footnote-43); Social Security (Minimum Standards) Convention, 1952 (No. 102);[[43]](#footnote-44) Domestic Workers Convention, 2011 (No. 189)[[44]](#footnote-45); Discrimination (Employment and Occupation) Convention, 1958 (No. 111),[[45]](#footnote-46) and the Maternity Protection Convention, 2000 (No. 183)[[46]](#footnote-47); Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1999 (No. 182)[[47]](#footnote-48); Equal Remuneration Convention, 1951 (No. 100)[[48]](#footnote-49); Indigenous and Tribal Peoples Convention, 1989 (No. 169)[[49]](#footnote-50); Right to Organise and Collective Bargaining Convention, 1949 (No. 98)[[50]](#footnote-51) and Private Employment Agencies Convention, 1997 (No. 181).[[51]](#footnote-52)

27. Besides, TBs regularly mention standards that are relevant to the scope of the treaty they monitor. Instruments frequently cited by CCPR and CAT include the Basic Principles on the Independence of the Judiciary; the Basic Principles on the Role of Lawyers; the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); the San José guidelines against reprisals; the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules); the Minnesota Protocol on the Investigation of Potentially Unlawful Death; the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa.

28. CCPR, CAT and CEDAW also regularly refer to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

29. For its part, CRPD mentions the Sendai Framework for Disaster Risk Reduction 2015-2030; standards developed by the Web Accessibility Initiative of the World Wide Web Consortium; the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled; the set of questions prepared by the Washington Group on Disability Statistics in future censuses in order to collect comprehensive data on disability; the Incheon Strategy to “ Make the Right Real ” for Persons with Disabilities in Asia and the Pacific, and the Association of Southeast Asian Nations (ASEAN) Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities; the Protocol to the African Charter on Human and People ’ s Rights on the Rights of Persons with Disabilities in Africa; the Ekurhuleni declaration on the rights of persons with albinism adopted in 2013 and the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, entitled “ The protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment ”.

30. With regard to CESCR COBs, references were found to the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3); the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Food and Agriculture Organization of the United Nations (FAO); International Labour Organization (ILO) recommendation no. 204 (2015) concerning the transition from the informal to the formal economy and the World Health Organization’s set of recommendations on the marketing of foods and non-alcoholic beverages to children (2010).

31. CESCR and CRC also often cite the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (A/HRC/17/31, annex).

32. References to the following specific standards were found in CRC COBs: the UN Guidelines for the Alternative Care of Children; the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31); the OHCHR Report *Human Rights Indicators: A Guide to Measurement and Implementation* (HR/PUB/12/5); the Guidelines on Justice in Matters involving Child Victims; the Outcomes of the “We Protect” summits held in London in 2014 and in Abu Dhabi in 2015; the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183); the International Code of Marketing of Breast-milk Substitutes; the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993; the Convention and the African Charter on the Rights and Welfare of the Child and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. CRC-OPSC also refers to relevant standards, including the Global Code of Ethics for Tourism of the United Nations World Tourism Organization; the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; Human Rights Council resolution 31/7, entitled “Rights of the child: information and communications technologies and child sexual exploitation ”; the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, whilst CRC-OPAC cites the Rome Statute of the International Criminal Court.

33. CEDAW regularly mentions the following relevant instruments: the Beijing Declaration and Platform for Action; Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

34. CMW’s references include OHCHR Recommended Principles and Guidelines on Human Rights at International Borders and OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking.

35. CERD consistently refers to the Durban Declaration and Programme of Action and General Assembly resolution 68/237, in which the Assembly proclaimed 2015– 2024 the International Decade for People of African Descent. Other instruments include the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; the Nordic Sami Convention; the Geneva Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

36. Finally, in its COBs on Tajikistan, CCPR refers to OECD recommendations in relation to combatting corruption.[[52]](#footnote-53)

4.3. Judicial decisions

37. References to the International Court of Justice (ICJ), regional and domestic courts were found in TB COBs. Both references to the ICJ by CESCR and CERD are specific to Israel and concern the Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.[[53]](#footnote-54)

38. Concerning regional courts, all TB references that were found deal with the implementation of judgments. CCPR refers to “the recent judgment by the European Court of Human Rights in *Abu Zubaydah v. Lithuania*” in relation to its execution at the domestic level.[[54]](#footnote-55) Two references by CERD and CAT to judgements of the Inter-American Court of Human Rights were also found. In its COBs on Honduras, CERD recommends that the State party “give full effect to the judgments of the Inter-American Court of Human Rights in the cases of the *Garífuna Punta Piedra Community* and the *Garífuna Triunfo de la Cruz Community*” relating to land rights of indigenous peoples.[[55]](#footnote-56) CAT also addresses the issue of the enforcement of another judgment of the Inter-American Court of Human Rights in the case of Women *Victims of Sexual Torture in Atenco v. Mexico* and in the cases of Valentina Rosendo Cantú and Inés Fernández Ortega.[[56]](#footnote-57) Finally, in its COBs on Niger, CCPR notes “with appreciation the implementation of the 2008 decision issued by the Court of Justice of the Economic Community of West African States against the Niger in *Hadijatou Mani Koraou v. the Republic of Niger*” (practice of *wahaya* harmful to women).[[57]](#footnote-58)

39. Similarly, TB references to decisions issued by domestic courts that were found concerning five States parties generally relate to their implementation, including amendments to the national legal framework. In most cases, TBs refer to decisions issued by the highest courts, namely the Constitutional Court or the Supreme Court depending on the concerned State party. In their COBs on Colombia, CERD,[[58]](#footnote-59) CMW[[59]](#footnote-60) and CEDAW[[60]](#footnote-61) mention decisions of the Constitutional Court. CRC also cites a ruling of the Constitutional Court of the Republic of Korea and addresses its implementation.[[61]](#footnote-62) In their COBs on Mexico, CERD[[62]](#footnote-63) reminds the State party of a Supreme Court decision and urges it to take action, whilst CCPR expresses its concern over one decision and welcomes two others[[63]](#footnote-64) that reinforce human rights protection. In the same vein, CEDAW recommends that Nepal amend the Truth and Reconciliation Commission Act, taking into account a ruling of the Supreme Court (in relation to sexual violence).[[64]](#footnote-65) Finally, in their COBs on South Africa, CESCR also mentions a judgment delivered by the Constitutional Court that addresses the domestic legal framework[[65]](#footnote-66) and CAT refers to a judgment of a High Court in relation to its implementation.[[66]](#footnote-67)

4.4. Other human rights bodies

40. TBs cross-reference reports and recommendations issued by other international and regional human rights bodies, including reports on the situation in particular countries, such as reports by Commissions of Inquiry and other bodies. Thus, in its COBs on Albania, CRPD cross-references the report of the Commissioner for Human Rights of the Council of Europe following her visit to Albania.[[67]](#footnote-68) Similarly, in its COBs on Mexico, CAT refers to the report entitled “Double Injustice”, issued by the Office of the United Nations High Commissioner in Mexico on 15 March 2018,[[68]](#footnote-69) the Inter-American Commission Rapporteur on persons deprived of liberty and to the Inter-American Commission on Human Rights report on the human rights situation in Mexico.[[69]](#footnote-70) In their COBs on Saudi Arabia, CEDAW and CRPD mention the same report prepared by the UN High Commissioner for human rights on the situation in Yemen.[[70]](#footnote-71)

41. Additional cross-references include Recommendation CM/Rec(2019)1 on preventing and combating sexism, adopted by the Committee of Ministers of the Council of Europe,[[71]](#footnote-72) recommendations of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment”[[72]](#footnote-73) and African Committee of Experts Decision No. 003/2017.[[73]](#footnote-74)

Questions to be addressed in the methodology regarding cross-referencing

42. From a methodological point of view, the research findings raise a number of questions concerning cross-referencing in COBs that should be addressed when developing a methodology.

43. The first series of questions relate to the small amount of cross-referencing that could be found, especially references to COBs issued by other TBs. Why is the number of instances so limited? Is it due to the limited length of COBs?[[74]](#footnote-75) Why and how were these particular instances chosen? Are they linked to issues of particular importance that need to be highlighted? More generally, how much cross-referencing is desirable to strengthen complementarity between mechanisms?

44. To optimize their impact in terms of positive reinforcement of other bodies’ recommendations, cross-referencing format should be taken into account, including which details should be provided and how they should be presented. Should cross-references systematically clearly mention the author of the document and give some indication as to its nature (COBs, report following a mission in the concerned country etc.)? This is already the case apart from a few exceptions.[[75]](#footnote-76) Is this the best practice for TBs to reinforce recommendations issued by other bodies? Should a hyperlink be inserted, in line with the practice developed by CEDAW,[[76]](#footnote-77) which facilitates opening and reading the document that is cross-referenced? To address word limits and avoid adding to the length of COBs, could cross-references’ details (author, title and symbol number) be mentioned in a footnote rather than in the body of the text, provided footnotes are not included in the word count? What is the best way of acknowledging and reinforcing other bodies’ output without adding to the length of COBs?

45. Besides, some variation in the choice of verbs could be noted (the “Committee echoes the recommendations made by…”,[[77]](#footnote-78) “[r]eiterating the recommendations already made by…”).[[78]](#footnote-79) Does the choice of words make a difference in terms of positive reinforcement? Should the endorsement be interpreted differently depending on whether a Committee explicitly recommends that the State party implement another body’s recommendations, echoes or reiterates such recommendations? Do those nuances make a difference when it comes to implementing TB recommendations?

46. With regard to cross-referencing UPR, the language used also needs to be examined. References to UPR are formulated in these terms: “commitments made in the context of”, “taking into account the views expressed by the State party in the context of”, “act upon its commitment to ratify (…), which the State party accepted in the context of” the UPR,[[79]](#footnote-80) and “as accepted by the State party following its” UPR cycle.[[80]](#footnote-81) The verb “accepted” raises an issue, which should be addressed when developing a methodology. Is the mention that a State party has “accepted” a recommendation in the context of the UPR appropriate language to reinforce and strengthen complementarity between mechanisms? Is this a good practice to reinforce complementarity between mechanisms?

47. Moreover, references to SDGs vary depending on TBs.[[81]](#footnote-82) Is such variety due to the specificity of each treaty in relation to the SDGs? Why are SDGs regularly mentioned by some Committees while they seem to be overlooked by others despite their general scope?[[82]](#footnote-83) What is the best practice? Should some consistency in references to SDGs be introduced?

48. The variety of bodies, mechanisms and standards that are quoted in cross-references also raise some questions. An obvious connection exists between some bodies, such as CAT, SPT and the Special rapporteur on torture, which leads to a number of cross-references. All cross-references to SPT’s output that were found were made by CAT. However, SPT’s mandate also seems relevant to CRPD, given that SPT may visit any place where persons may be deprived of their liberty, including mental health institutions, and Article 15 CRPD relating to freedom from torture and ill-treatment. Although no examples were found over the course of this limited research, does CRPD ever refer to SPT?

49. Furthermore, to what extent do TBs take into account the output of other bodies and mechanisms, including specific reports on particular countries? This research shows that, beyond their system, TBs refer to a wide range of bodies, mechanisms, standards and judicial decisions, be they international, regional or national. Is this a good practice to strengthen complementarity between the TBs and other systems and encourage consistency across human rights standards?

50. With regard to the UPR, many recommendations concern the ratification of international human rights treaties and the domestic institutional framework. Should these and other UPR recommendations be cited more consistently? For example, CCPR, in its COBs on Lao, cross-references the commitment made by the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance in the context of the UPR.[[83]](#footnote-84) Why did CCPR decide to highlight this commitment in particular? Is this a common practice for all States parties that have not ratified relevant treaties and make similar commitments in the context of the UPR? Or is it a reflection of the dialogue with the State party? Is this a good practice that should be encouraged and pursued?

III. Positive and intentional reinforcement or repetition in cases when something needs to be highlighted repeatedly

51. Repetition can contribute to strengthen human rights protection provided it is intentional and mutually reinforcing, “in cases when something needs to be highlighted repeatedly”.[[84]](#footnote-85) As such, overlap in topics can be a good opportunity to raise awareness of multiple and intersectional human rights violations. Additionally, repetition emphasizes universality, interdependence and indivisibility of human rights. Enhancing consistency in recommendations also facilitates their implementation on the ground.

52. Positive and intentional reinforcement is clear where there is cross-referencing as it highlights that the same concerns have already been addressed by other human rights bodies. This is especially obvious where a Committee explicitly recommends that the State party implement another Committee’s recommendations. For example, in its 2019 COBs on Albania, CRPD recommends that the State party “[i]mplement the recommendations made in 2016 by the Committee on the Elimination of Discrimination against Women (CEDAW/C/ALB/CO/4, para. 39 (c))”[[85]](#footnote-86) regarding the multiple and intersecting forms of discrimination faced by women and girls with disabilities. Likewise, in its COBs on Angola, CEDAW recommends that the State party “Adopt and implement, without delay, effective measures to protect women human rights defenders, journalists and members of civil society organizations (…), as also recommended by the Committee on Economic, Social and Cultural Rights (E/C.12/AGO/CO/4-5, para. 18)”.[[86]](#footnote-87) These examples regarding multiple and intersectional violations show how Committees can complement and mutually reinforce their recommendations.

53. A Committee explicitly endorsing or reiterating other TB recommendations constitutes another example of positive reinforcement. For example, in its COBs on Czechia, the “[Human Rights] Committee echoes the recommendations made by the Committee against Torture (CAT/C/CZE/CO/6, paras. 28–29) and the Committee on the Elimination of Racial Discrimination (CERD/C/CZE/CO/12-13, paras. 19–20), and calls on the State party to consider extending or abolishing the statute of limitation with regard to past cases of involuntary/forced sterilization”.[[87]](#footnote-88) Similarly, in its COBs on Senegal, CESCR reiterates “the recommendations already made by the Committee on the Rights of the Child (CRC/C/SEN/CO/3-5, paras. 68 and 70), the Committee against Torture (CAT/C/SEN/CO/4, para. 32) and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/SEN/CO/2-3, para. 57)”.[[88]](#footnote-89) Such clear endorsements by CCPR and CESCR of the recommendations made by other Committees constitute good examples of positive and intentional reinforcement concerning topics that need to be highlighted repeatedly.

54. Furthermore, TBs strengthen complementarity between different systems and legal orders when they address the implementation of decisions issued by regional human rights courts and domestic courts or cross-reference other non-judicial human rights mechanisms.[[89]](#footnote-90)

55. It should be noted that, although clearly intentional, positive reinforcement is not as obvious where only the document reference number is mentioned, without any other indication as to its title or which body authored it. This was found in two cases only but means that the document reference needs to be researched.[[90]](#footnote-91) Likewise, when the body that is cross-referenced is not specifically mentioned, repetition does not seem as positive in terms of complementarity as the reference is impossible to check.[[91]](#footnote-92)

56. Overall, these examples positive reinforcement show how complementarity between human rights bodies can be strengthened. However, as this research indicates, cross-referencing is not used frequently and consistently.

IV. Unnecessary and unintentional duplication or overlap

57. One of the challenges faced over the course of this research was to draw a distinction between intentional reinforcement and unintentional overlap whenever similar or identical recommendations made by several Committees regarding similar issues were found. In the absence of cross-referencing, it is not obvious whether repetition is intentional or not. Therefore, some criterion seemed necessary in order to differentiate these two categories of recommendations.

A. Establishing whether repetition is mutually reinforcing and strengthens complementarity

58. For the purpose of this research, the criterion used to distinguish positive, intentional repetition and unintentional duplication or overlap is *whether repetition is mutually reinforcing and strengthens complementarity* between human rights bodies. Indeed, if repetition does not serve this purpose, duplication or overlap seems unnecessary.

59. According to this criterion, cross-referencing is a good indicator of complementarity. When a Committee deliberately cross-references another human rights body’s recommendations, it is a clear indication of its intention to reinforce them. Besides, cross-referencing enhances the perception that TBs function as a collective system rather than as separate entities, even though they each have their specificity as guardians of their “own” treaty. This extends beyond their system to other international and regional bodies as well as domestic courts, as this research shows.[[92]](#footnote-93)

60. Conversely, similar recommendations in COBs regarding substantively similar questions over the same time period when other Committees’ recommendations are not acknowledged have not been considered mutually reinforcing and complementary. This would rely on the assumption that COBs are systematically compared by the various stakeholders to research which recommendations are reiterated or new.

B. Findings based on proposed criterion

61. This research shows that substantively similar topics have been addressed by several TBs in their COBs over the period 2018-2019. Although quantifying repetition is difficult, a significant amount was found.[[93]](#footnote-94) Many similar recommendations have been compiled, sometimes word for word.[[94]](#footnote-95)

62. For example, in their 2019 COBs on Angola which were adopted within a month, CCPR and CEDAW formulated three sets of detailed, identical recommendations word for word regarding the issue of gender-based violence against women without any cross-references.[[95]](#footnote-96) Similarly, in their 2019 COBs on Iraq, all recommendations made by CEDAW and CRPD within a few weeks concerning women with disabilities are similar.[[96]](#footnote-97)

63. Much in common was also found in the recommendations made by CCPR, CERD and CAT in their COBs on Czechia in relation to the domestic institutional framework, hate crimes, statelessness, forced sterilization and detention of asylum seekers and foreign nationals. One instance of cross-referencing only was found by CCPR concerning the forced sterilization of Roma women,[[97]](#footnote-98) presumably because this issue was prioritized by the Committee.

64. Likewise, in their COBs on Mauritania, much overlap was found between CCPR and CAT on the one hand, and between CCPR and CERD on the other hand. CCPR and CAT issued similar recommendations, although CAT recommendations are more detailed, regarding torture,[[98]](#footnote-99) liberty and security of the person[[99]](#footnote-100) and incommunicado detention.[[100]](#footnote-101) Most of their recommendations concerning death penalty and corporal punishment[[101]](#footnote-102) are also similar, while CCPR formulated more detailed recommendations regarding the independence of the judiciary.[[102]](#footnote-103) As for CCPR and CERD, both Committees made several identical recommendations in relation to the issues of racial discrimination against black African and Haratin communities[[103]](#footnote-104) and of slavery.[[104]](#footnote-105)

65. In their COBs on Senegal, similar recommendations regarding cross-cutting topics were made by CCPR and CESCR, CCPR and CAT, and by CESCR and CRPD concerning a wide range of cross-cutting issues. CCPR and CESCR, which reviews were coordinated and held a week apart, made similar recommendations regarding non-discrimination (Article 2(2) common to both Covenants),[[105]](#footnote-106) non-discrimination on grounds of sexual orientation and gender identity,[[106]](#footnote-107) gender equality,[[107]](#footnote-108) abortion[[108]](#footnote-109) and the protection of children.[[109]](#footnote-110) For their part, CCPR and CAT formulated the same recommendations regarding the independence of the judiciary.[[110]](#footnote-111) Moreover, most of their recommendations relating to impunity and the conflict in Casamance,[[111]](#footnote-112) non-discrimination on the grounds of sexual orientation and gender identity,[[112]](#footnote-113) the excessive use of force,[[113]](#footnote-114) deaths in custody,[[114]](#footnote-115) conditions of detention,[[115]](#footnote-116) pretrial detention,[[116]](#footnote-117) torture and ill-treatment[[117]](#footnote-118) and the protection of children[[118]](#footnote-119) are similar, CAT recommendations being more comprehensive and detailed regarding impunity, deaths in custody, conditions of detention, police custody and torture and ill-treatment. CESCR and CRPD also made similar recommendations with regard to the social protection scheme for persons with disabilities,[[119]](#footnote-120) access to education for children with disabilities, CRPD being more detailed regarding inclusive education of children with disabilities.[[120]](#footnote-121) Yet, despite the large number of cross-cutting issues and amount of similar recommendations, only one instance of cross-referencing by CESCR could be found regarding forced child begging.[[121]](#footnote-122) In this instance, the assumption is also, as in the abovementioned CCPR COBs on Czechia, that this issue was prioritized by the Committee.

Questions to be addressed in the methodology regarding repetition (III and IV)

66. The main question raised by these findings is how to make repetition complementary whilst safeguarding the specificity of each treaty. Whilst similar recommendations relating to cross-cutting topics indicate consistency, the absence of cross-referencing in most cases makes their comparison more difficult and therefore is not conducive to their mutual reinforcement. How similar should recommendations be to be mutually reinforcing? Some are identical word for word but not cross-referenced. Is that a good practice in terms of strengthening complementarity? Did TBs want to raise the issue again because it needed to be highlighted repeatedly or because it had been prioritized? Did TBs mean to follow-up on another Committee’s recommendations? If so, why not cross-reference? Why does the language sometimes vary slightly? Is it intentional? Is it simply to avoid repetition? Or because of different treaty provisions? Does it reflect a nuance in the dialogue with the State party?

67. Cross-referencing is a good indicator of a Committee’s intention to reinforce another human rights body’s recommendations. However, this does not seem to be the ultimate solution. Even if all similar recommendations regarding a particular topic were cross-referenced, the issue of their coordination would not be solved and a lot of unnecessary repetition would still be found in COBs. The substance of the recommendations should also be taken into account.

68. TBs themselves are already working towards an aligned methodology for the simplified reporting procedure that starts with the coordination of lists of issues prior to reporting (LOIPR) to avoid unnecessary duplication and overlap.[[122]](#footnote-123) Some TBs already coordinate their LOIPR by sending a draft to other Committees who are reviewing the same State party over the same period of time. Has this practice proved effective? Is coordination of LOIPR reflected in COBs? Since LOIPR at least partly frame States parties’ reviews, their coordination should be further explored when developing the methodology.

69. Besides, the research findings suggest some practices and areas that could be further explored to enhance COBs coordination, such as the prioritization of certain issues by some TBs or the elaboration of more detailed recommendations by specialized Committees.

70. Whilst overlapping with other TBs recommendations, specialized TBs already issue more specific or detailed recommendations. For example, concerning the issues of solitary confinement, isolation and full exclusion of prisoners in Norway, CAT recommendations – as well as the LOIs – are more detailed and wider in scope than those formulated by CCPR[[123]](#footnote-124) although both Committees’ COBs include the exact same recommendations regarding three specific aspects.[[124]](#footnote-125) Similarly, regarding the review of Australia, CRPD drafted more detailed LOIs and COBs than CEDAW and CRC concerning inclusive education for children with disabilities.[[125]](#footnote-126) Is this a good practice to strengthen complementarity between TBs? Should specialist Committees go into more details? Should it be part of the methodology to help Committees focus on the specificity of each Convention and reduce unnecessary repetition?

71. Beyond the methodology, reviewing COBs is a time-consuming exercise, which raises the issue of workload and adequate tools for the secretariat and TB members. What tool(s) would be most useful? Is the Universal Human Rights Index[[126]](#footnote-127) useful as it is or should it be improved and how? Would it be appropriate to identify “best COBs” or “model COBs” regarding a number of cross-cutting themes and should these be compiled for easy access to up-to-date information and latest developments?[[127]](#footnote-128)

V. Different recommendations

72. Different recommendations in COBs also raise issues in terms of coordination, complementarity, and ultimately their implementation. Various degrees of different recommendations were found, from different approaches and focus that are not necessarily incompatible to what appears to be diverging recommendations, although the latter seems to be rare.

A. Different approach or focus

73. Most recommendations that are different are not incompatible but reveal a different focus or different approaches. For example, in their COBs on Portugal, none of the recommendations made by CAT[[128]](#footnote-129) and CRC[[129]](#footnote-130) regarding juvenile justice are similar. Whilst CAT addresses the establishment of therapeutic units and the separation of adults and minors in detention facilities, CRC deals with custodial precautionary measures to ensure that child detention is used only in exceptional circumstances, mandatory training for all relevant professionals, the prohibition and abolition of solitary confinement for children, and the coordination between all actors involved in the juvenile justice system. Similarly, in their COBs on New Zealand, all recommendations made by CESCR[[130]](#footnote-131) and CEDAW[[131]](#footnote-132) concerning the broad issue of education focus on different sub-topics. CESCR addresses Maori culture and achievement, inclusive education for children with disabilities, bullying and harassment, and schooling costs, whereas CEDAW’s recommendations focus on access to education for women and girls living in rural areas, sexual and reproductive education, sexual violence, retention and reintegration of pregnant teenage girls, stereotypes and structural barriers. Therefore, in these two examples, there is no overlap between both Committees’ recommendations as they focus on different aspects of the same general topic.

74. Sometimes, different recommendations indicate different approaches. For example, regarding the issue of human trafficking, CEDAW seems to emphasize more than other TBs the need for international cooperation with countries of origin, transit and destination,[[132]](#footnote-133) prevention[[133]](#footnote-134) and addressing the root causes,[[134]](#footnote-135) whilst always also recommending the investigation, prosecution and punishment of traffickers. More particularly, in their COBs on Cabo Verde, CCPR, CRC and CEDAW made the similar recommendation to investigate, prosecute and punish traffickers,[[135]](#footnote-136) but CEDAW addressed prevention and support to victims in 3 out of 4 sets of recommendations.[[136]](#footnote-137) For its part, CCPR seems to highlight the need to address impunity, investigate, prosecute and punish perpetrators, as well as the provision of effective remedies to victims.[[137]](#footnote-138)

Finally, in a few instances, different solutions are recommended to achieve the same goal. For example, in their COBs on Botswana, CEDAW[[138]](#footnote-139) and CRC[[139]](#footnote-140) designed very detailed, yet different recommendations to tackle maternal and child mortality. Similarly, in their COBs on Marshall Islands, to ensure equal access to education throughout the islands, CEDAW recommends exploring the use of information and communications technology[[140]](#footnote-141) whereas CRC recommends establishing more boarding facilities.[[141]](#footnote-142)

**B. Diverging recommendations**

75. Very few instances have been found of diverging recommendations in which a Committee uses stronger language and the State party is requested to take more radical measures. In their COBs on Algeria, CRC and CMW recommend that the State party “prohibit” collective expulsions of migrants and asylum seekers,[[142]](#footnote-143) whereas CCPR recommendations mention that the State party should “refrain from” conducting collective expulsions.[[143]](#footnote-144) Similarly, in their COBs on the Republic of Korea, CRC urges the State party to “prohibit” the immigration detention of children,[[144]](#footnote-145) whereas CERD recommends to “avoid” the immigration detention of minors.[[145]](#footnote-146) Likewise, in COBs on Norway, some significant variation in recommendations regarding coercive measures in mental health care institutions could be found, with CRPD using stronger language than CAT and CCPR. Whilst CRPD recommends that the State party “prohibit the forced administration of intrusive and irreversible treatments such as electroconvulsive therapy”,[[146]](#footnote-147) CAT recommends that the State party “consider incorporating into law the abolition of the enforced administration of intrusive and irreversible treatments, such as electroconvulsive therapy”[[147]](#footnote-148) and CCPR recommends increasing procedural safeguards and stipulating guarantees in law allowing for the limited use of coercive electroconvulsive treatment.[[148]](#footnote-149) Therefore, in relation to the exact same issue, three Committees have issued recommendations on three different levels.

Questions to be addressed in the methodology regarding different recommendations

76. COBs that reveal a different approach or focus raise the question of whether they have been coordinated according to a methodology whereby Committees concentrate on different aspects of a similar topic to ensure broader coverage or follow a specific approach, in line with the provisions of the relevant treaty. Are different recommendations drafted to avoid unnecessary overlap and be more comprehensive, addressing aspects that are not covered in other COBs? Is it intentional and meant to follow a different approach due to the specificity of the treaty?

77. What seems to be diverging recommendations should also be addressed in the methodology. Three issues (collective expulsions of migrants and asylum seekers, the immigration detention of children and the forced administration of intrusive and irreversible treatments such as electroconvulsive therapy to persons with disabilities) were found to lead to varying COBs over the course of this research but there are others.[[149]](#footnote-150) Varying degrees of language and recommendations raise questions in terms of COBs coordination but also with regard to their implementation by the State party concerned. Did TBs formulate different recommendations intentionally? Does the basis for diverging recommendations lie in treaty provisions? Is it always desirable to coordinate COBs? Does the formulation of different recommendations have an impact on their implementation? Which recommendation should the State party implement?

1. General Assembly Resolution 68/268, Strengthening and enhancing the effective functioning of the human rights treaty body system, para. 6. [↑](#footnote-ref-2)
2. “Position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system”, Annex III, A/74/256, Report of the Chairs of the human rights treaty bodies on their thirty-first annual meeting, held in New York from 24 to 28 June 2019. [↑](#footnote-ref-3)
3. All TBs apart from the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“SPT”) formulate COBs following the consideration of reports from States parties. [↑](#footnote-ref-4)
4. See list of COBs provided separately. [↑](#footnote-ref-5)
5. “Possible elements for a common aligned procedure for the simplified reporting procedure”, Annex II, A/74/256, Report of the Chairs of the human rights treaty bodies on their thirty-first annual meeting, para. (i). [↑](#footnote-ref-6)
6. *Id*. [↑](#footnote-ref-7)
7. Based on the substance of the relevant paragraphs rather than headings only. [↑](#footnote-ref-8)
8. CEDAW COBs include a heading “National machinery for the advancement of women”. [↑](#footnote-ref-9)
9. See <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>. [↑](#footnote-ref-10)
10. See *infra*, IV.2 and V.1. [↑](#footnote-ref-11)
11. Note by the secretariat on concluding observations, HRI/MC/2014/2, para. 33(e). See also report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254, A/66/860, 2012, sect. 4.2.6: “When deemed relevant, to use cross-referencing and reinforcement of the recommendations of other treaty bodies, the UPR and special procedures mandate holders”. [↑](#footnote-ref-12)
12. This was only found in two instances. See CEDAW COBs on Nepal, referring to a document number with no indication that it is the Special Rapporteur on the human rights of migrants’ report on his mission to the country: CEDAW/C/NPL/CO/6, para. 37(b): “Include the standards provided for in the National Labour Act, including those for domestic work, in all bilateral agreements and enhance gender-sensitive predeparture and post-arrival orientation services, to include legal awareness about foreign employment, the rights of migrant women in the country of destination and under the Foreign Employment Act and information on how to claim those rights (A/HRC/38/41/Add.1 , para. 109)”.

    See also CRPD COBs on Saudi Arabia. Idem concerning the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen, CRPD/C/SAU/CO/1, para. 20 (a): “Ensure respect for all the rights of persons with disabilities in the exercise of its powers in other jurisdictions, including in armed conflict, and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need (A/HRC/33/38, paras. 71 (b) and (d))”. [↑](#footnote-ref-13)
13. Note by the secretariat on concluding observations, HRI/MC/2014/2, para. 33(e). See also report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254, A/66/860, sect. 4.2.6: “When deemed relevant, to use cross-referencing and reinforcement of the recommendations of other treaty bodies, the UPR and special procedures mandate holders”. [↑](#footnote-ref-14)
14. CESCR COBs on South Africa, E/C.12/ZAF/CO/1, para. 62. [↑](#footnote-ref-15)
15. CAT COBs on Mauritania, CAT/C/MRT/CO/2, para. 30: “the Committee shares the concerns raised by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the public report on its visit to Mauritania (see CAT/OP/MRT/2, paras. 29–32 and 36) ...”. [↑](#footnote-ref-16)
16. CAT COBs on Mexico, CAT/C/MEX/CO/7, para. 8: “the Committee is very concerned about the situation observed by several international human rights mechanisms during their respective visits to Mexico during the period under review, in particular the visits of (…) the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2016 (CAT/OP/MEX/2, para. 20)” and para. 43(b): “Ensure effective follow-up and implementation of the recommendations made by the National Mechanism for the Prevention of Torture as part of its monitoring activities, in accordance with the guidelines on national preventive mechanisms adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/12/5, paras. 13 and 38). [↑](#footnote-ref-17)
17. CAT COBs on Niger, CAT/C/NER/CO/1, CAT/C/ZAF/CO/2, para. 24(c): “Consider authorizing the publication by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the 2017 visit report and seek the support of the Special Fund established pursuant to the Optional Protocol for the implementation of the Subcommittee’s recommendations.” [↑](#footnote-ref-18)
18. CAT COBs on South Africa, para. 27: “The State party should ensure the financial and functional independence of the South African Human Rights Commission by providing it with the resources necessary to enable it to fulfil its mandate effectively, in accordance (…) the guidelines on national preventive mechanisms issued by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” [↑](#footnote-ref-19)
19. CEDAW COBs on Angola, CEDAW/C/AGO/CO/7, paras 14(a) and 18(a). [↑](#footnote-ref-20)
20. CEDAW COBs on Botswana, CEDAW/C/BWA/CO/4, para. 20. [↑](#footnote-ref-21)
21. CEDAW COBs on Cambodia, CEDAW/C/KHM/CO/6, paras 17 and 9. [↑](#footnote-ref-22)
22. CEDAW COBs on Nepal, CEDAW/C/NPL/CO/6, paras 11, 21(c), 25(d), 31(a), 39(c) and 41(b). [↑](#footnote-ref-23)
23. CRC COBs on Angola, CRC/C/AGO/CO/5-7, para. 11. [↑](#footnote-ref-24)
24. CRC COBs on Lao, CRC/C/LAO/CO/3-6, para. 10. [↑](#footnote-ref-25)
25. CCPR COBs on Lao, CCPR/C/LAO/CO/1, para. 20(f). [↑](#footnote-ref-26)
26. CEDAW and CRC in relation to the recommendations of the SR on hazardous substances in COBs on Marshall Islands, CEDAW/C/MHL/CO/1-3, para. 45(d) and CRC/C/MHL/CO/3-4, para. 32; CRC regarding recommendations made by the SR on health and sale of children in COBs on Japan, CRC/C/JPN/CO/4-5, para. 46(f). [↑](#footnote-ref-27)
27. CRC regarding recommendations made by the SR on cultural rights in COBs on Bosnia and Herzegovina, CRC/C/BIH/CO/5-6, para. 40(a). [↑](#footnote-ref-28)
28. CAT regarding recommendations of the SR on torture in COBs on Mauritania, CAT/C/MRT/CO/2, para. 9(a); CAT regarding a deliberation of the WGAD in COBs on Niger, CAT/C/NER/CO/1, para. 26(d). [↑](#footnote-ref-29)
29. CAT regarding recommendations of the WGAD in COBs on Mauritania, CAT/C/MRT/CO/2, para. 27(b). [↑](#footnote-ref-30)
30. CESCR regarding recommendations by the WG on business and human rights and the SR on water and sanitation in COBs on Mexico, E/C.12/MEX/CO/5-6, para. 11. [↑](#footnote-ref-31)
31. CERD regarding recommendations made by the SR on indigenous peoples in COBs on Mexico, CERD/C/MEX/CO/18-21, para. 21(d). [↑](#footnote-ref-32)
32. CRC regarding a statement made by the SR on sale of children in COBs on Lao, CRC/C/LAO/CO/3-6, para. 44. [↑](#footnote-ref-33)
33. CERD in COBs on Mauritania, CERD/C/MRT/CO/8-14, para. 8. [↑](#footnote-ref-34)
34. CAT referring to the SR on torture in COBs on Mexico, CAT/C/MEX/CO/7, paras 8 and 34. [↑](#footnote-ref-35)
35. CAT in COBs on the Russian Federation (standing invitation to special procedures mechanisms), CAT/C/RUS/CO/6, para. 56; on Uzbekistan (grant access to special procedures mandate holders who have requested a visit and invite SR torture), CAT/C/UZB/CO/5, para. 67; CEDAW in COBs on New Zealand (renewing invitation to SR on violence against women), CEDAW/C/NZL/CO/8, para. 26(h). [↑](#footnote-ref-36)
36. CESCR reference to the basic principles and guidelines on development-based evictions and displacement developed by the SR on adequate housing in COBs on Turkmenistan. [↑](#footnote-ref-37)
37. See <https://www.un.org/sustainabledevelopment/sustainable-development-goals/#:~:text=The%20Sustainable%20Development%20Goals%20are,environmental%20degradation%2C%20peace%20and%20justice.> [↑](#footnote-ref-38)
38. “Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.” [↑](#footnote-ref-39)
39. CESCR COBs on New Zealand, E/C.12/NZL/CO/4, para. 15 relating to maximum available resources (article 2(1) ICESCR): “While noting the State party’s commitment to the Goals of the 2030 Agenda for Sustainable Development, the Committee recommends that the initiatives and resources allocated to their achievement be underpinned by the Covenant obligations.” [↑](#footnote-ref-40)
40. For example, CEDAW COBs on Andorra, CEDAW/C/AND/CO/4, para. 12: “Recalling (…) the links between articles 1 and 2 of the Convention and target 5.1 of the” SDGs; CRPD COBs on Algeria, CRPD/C/DZA/CO/1, para. 21(c): “be guided by article 9 of the Convention in the implementation of targets 11.2 and 11.7” of the SDGs”. [↑](#footnote-ref-41)
41. CERD COBs on Honduras, CERD/C/HND/CO/6-8, para. 17(b): “To ensure the effective implementation of social programmes for poverty reduction, taking into account inequality gaps and the specific needs of indigenous and Afro-Honduran peoples in order to achieve a marked reduction in poverty and levels of inequality that affect them, taking into account the Sustainable Development Goals”. [↑](#footnote-ref-42)
42. CMW COBs. [↑](#footnote-ref-43)
43. CEDAW COBs on Lithuania, CEDAW/C/LTU/CO/6. [↑](#footnote-ref-44)
44. CEDAW COBs on Lithuania, CEDAW/C/LTU/CO/6; CRC COBs on Marshall Islands, CRC/C/MHL/CO/3-4; CRC COBs on Mauritania, CRC/C/MRT/CO/3-5; CERD COBs on Mauritania, CERD/C/MRT/CO/8-14; CEDAW and CESCR COBs on Mexico, CEDAW/C/MEX/CO/9 and E/C.12/MEX/CO/5-6; CEDAW COBs on Nepal, CEDAW/C/NPL/CO/6; CERD and CEDAW COBs on Saudi Arabia, CERD/C/SAU/CO/4-9 and CEDAW/C/SAU/CO/3-4; CESCR COBs on Senegal, E/C.12/SEN/CO/3. [↑](#footnote-ref-45)
45. CEDAW COBs on Marshall Islands, CEDAW/C/MHL/CO/1-3; CEDAW COBs on Mozambique, CEDAW/C/MOZ/CO/3-5 [↑](#footnote-ref-46)
46. CEDAW COBs on Marshall Islands, CEDAW/C/MHL/CO/1-3. [↑](#footnote-ref-47)
47. CRC COBs on Marshall Islands, CRC/C/MHL/CO/3-4. [↑](#footnote-ref-48)
48. CEDAW COBs on Mexico, CEDAW/C/MEX/CO/9. [↑](#footnote-ref-49)
49. CERD, CEDAW and CESCR COBs on Mexico, CERD/C/MEX/CO/18-21, CEDAW/C/MEX/CO/9 and E/C.12/MEX/CO/5-6. [↑](#footnote-ref-50)
50. CESCR COBs on Mexico, E/C.12/MEX/CO/5-6. [↑](#footnote-ref-51)
51. CMW COBs on Mozambique, CMW/C/MOZ/CO/1. [↑](#footnote-ref-52)
52. CCPR COBs on Tajikistan, CCPR/C/TJK/CO/3, para. 12: “The State should take all the measures necessary to combat corruption effectively, including by revising the Criminal Code to give effect to the OECD recommendations regarding the definition and criminalization of all elements of corruption”. [↑](#footnote-ref-53)
53. CESCR COBs on Israel, E/C.12/ISR/CO/4, para. 9; CERD, CERD/C/ISR/CO/17-19, para. 9. [↑](#footnote-ref-54)
54. CCPR COBs on Lithuania, CCPR/C/LTU/CO/4, para. 23. [↑](#footnote-ref-55)
55. CERD COBs on Honduras, CERD/C/HND/CO/6-8, para. 21(c). [↑](#footnote-ref-56)
56. CAT COBs on Mexico, CAT/C/MEX/CO/7, para. 58. [↑](#footnote-ref-57)
57. CCPR COBs on Niger, CCPR/C/NER/CO/2, para. 22. [↑](#footnote-ref-58)
58. CERD recommends that the State Party ensure full compliance with Constitutional Court decisions relating to the Peace agreement (para. 13) and give full effect to the decisions on ethnic protection (para. 23) and ensure compliance with Constitutional Court decisions No. 92/08 and No. 9/15 (access to justice for victims of sexual violence, para. 25(c)), CERD COBs on Colombia, CERD/C/COL/CO/17-19. [↑](#footnote-ref-59)
59. CMW COBs on Colombia, Constitutional Court judgment T-956 of 2013 (guarantees of due legal process for migrants), CMW/C/COL/CO/3, para. 27. [↑](#footnote-ref-60)
60. CEDAW COBs reference to judgment SU-096/18 of 17 October 2018 and judgment C-355 of 2006 on legalization of abortion (para. 38(c) and (d)); judgment of the Constitutional Court that orders the legal recognition of same-sex marriages (para. 44(b)); judgment T‑478/2015 of the Constitutional Court which ordered the Ministry of Education to implement preventive and responsive measures against discrimination on the basis of sexual and gender identity and incorporate that information into school manuals (para. 44(c)), CEDAW/C/COL/CO/9. [↑](#footnote-ref-61)
61. CRC COBs on the Republic of Korea, ruling of the Constitutional Court of 11 April 2019 declaring the ban on abortion unconstitutional and requiring the Government to review its legislation on abortion by 2020, CRC/C/KOR/CO/5-6, para. 7. [↑](#footnote-ref-62)
62. CERD COBs on Mexico: “The Committee urges the State party to criminalize acts of racial discrimination and the actions described in article 4 of the Convention, as previously recommended by the Committee and as ordered by the Supreme Court in its decision No. 805/2018 of 30 January 2019”, CERD/C/MEX/CO/18-21, para. 11. [↑](#footnote-ref-63)
63. CCPR COBs on Mexico, Supreme Court decision issued in conflicting rulings case No. 293/2011 establishing that, in the case of explicit restrictions on the exercise of human rights enshrined in the Constitution, the provisions of the Constitution should take precedence, decision to guarantee access to the social security system for all domestic workers (para. 11) and decision declaring the National Security Act to be unconstitutional (para. 18), CCPR/C/MEX/CO/6. [↑](#footnote-ref-64)
64. CEDAW COBs on Nepal, CEDAW/C/NPL/CO/6, para. 23(a). [↑](#footnote-ref-65)
65. CESCR COBs on South Africa, judgment delivered on 11 April 2011 by the Constitutional Court in the case *Governing Body of the Juma Musjid Primary School and Others v. Ahmed Asruff Essay N.O. and Others* (CCT 29/10; [2011] ZACC 13) (declaration limiting the right to the right to a basic education), E/C.12/ZAF/CO/1, para. 6. [↑](#footnote-ref-66)
66. CAT COBs on South Africa, “the State party should indicate how it intends to give effect to the judgment of the North Gauteng High Court concerning the death of Ahmed Essop Timol”, CAT/C/ZAF/CO/2, para. 29. [↑](#footnote-ref-67)
67. CRPD COBs on Albania, CRPD/C/ALB/CO/1, para. 24. [↑](#footnote-ref-68)
68. CAT COBs on Mexico, CAT/C/MEX/CO/7. [↑](#footnote-ref-69)
69. CAT COBs on Mexico, CAT/C/MEX/CO/7, paras 8 and 36 respectively. [↑](#footnote-ref-70)
70. CEDAW COBs on Saudi Arabia, CEDAW/C/SAU/CO/3-4, para. 18(c) and CRPD COBs on Saudi Arabia, CRPD/C/SAU/CO/1, para. 20(a). [↑](#footnote-ref-71)
71. CEDAW COBs on Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 24. [↑](#footnote-ref-72)
72. CCPR COBs on Lithuania, CCPR/C/LTU/CO/4, para. 22(b). [↑](#footnote-ref-73)
73. CRC COBs on Mauritania, CRC/C/MRT/CO/3-5, para. 48. [↑](#footnote-ref-74)
74. See note by the Secretariat on concluding observations, HRI/MC/2014/2, para. 27: “In practical terms, cross-referencing results in a longer text, so sometimes the decision with regard to this practice might be taken for technical reasons.” [↑](#footnote-ref-75)
75. See *supra* footnote 12 for examples where the reference number only is quoted. See also two cross-references that are not very specific as to which bodies are involved in CERD COBs on Mauritania: “concerns raised by the Special Rapporteurs of the Human Rights Council”, CERD/C/MRT/CO/8-14, para. 8; and CAT COBs on Seychelles: “which the State party has indicated to other United Nations bodies that it is doing”, CAT/C/SYC/CO/1, para. 31(c). [↑](#footnote-ref-76)
76. See, for example, CEDAW COBs on Andorra, CEDAW/C/AND/CO/4 and on Angola, CEDAW/C/AGO/CO/7. [↑](#footnote-ref-77)
77. CCPR COBs on Czechia, CCPR/C/CZE/CO/4, para. 23. [↑](#footnote-ref-78)
78. CESCR COBs on Senegal, E/C.12/SEN/CO/3, para. 27. [↑](#footnote-ref-79)
79. CCPR COBs on Lao, CCPR/C/LAO/CO/1, para. 20(f). [↑](#footnote-ref-80)
80. CEDAW COBs on Cambodia, CEDAW/C/KHM/CO/6, paras 9 and 17. [↑](#footnote-ref-81)
81. See *supra* II. 4.1. [↑](#footnote-ref-82)
82. SDG Goal 16 to promote just, peaceful and inclusive societies includes targets that could also be relevant to CCPR, CAT, CERD and CED, e.g. the strengthening of national institutions to prevent violence and combat terrorism and crime (target 16.A); end abuse, exploitation, trafficking and all forms of violence against and torture of children (target 16.2). [↑](#footnote-ref-83)
83. CCPR COBs on Lao, CCPR/C/LAO/CO/1, para. 20(f). [↑](#footnote-ref-84)
84. “Possible elements for a common aligned procedure for the simplified reporting procedure”, Annex II, A/74/256, Report of the Chairs of the human rights treaty bodies on their thirty-first annual meeting, para. (i). [↑](#footnote-ref-85)
85. CRPD/C/ALB/CO/1, para. 14(c). [↑](#footnote-ref-86)
86. CEDAW/C/AGO/CO/7, para. 20(a). [↑](#footnote-ref-87)
87. CCPR/C/CZE/CO/4, para. 23. [↑](#footnote-ref-88)
88. E/C.12/SEN/CO/3, para. 27. [↑](#footnote-ref-89)
89. See *supra*, II.4.3 and II.4.4. [↑](#footnote-ref-90)
90. See *supra*, footnote 12. [↑](#footnote-ref-91)
91. See CERD COBs on Mauritania: “concerns raised by the Special Rapporteurs of the Human Rights Council”, CERD/C/MRT/CO/8-14, para. 8. In the previous paragraph, “several Special Rapporteurs of the Human Rights Council” are also mentioned, without any precision as to which Special Rapporteurs are concerned or the references of the relevant documents. See also CAT COBs on Seychelles: “which the State party has indicated to other United Nations bodies that it is doing”, CAT/C/SYC/CO/1, para. 31(c). [↑](#footnote-ref-92)
92. See *supra*, II.4. [↑](#footnote-ref-93)
93. Based on the substance of the paragraphs in COBs, not on headings only. [↑](#footnote-ref-94)
94. See empirical research compilation table provided separately. [↑](#footnote-ref-95)
95. CCPR COBs, CCPR/C/AGO/CO/2: “26. (…) (a) Adopt a comprehensive law, in consultation with civil society, to prevent, combat and punish all forms of violence against women, including economic, psychological and physical violence, sexual violence, marital rape and sexual harassment, in the public and private spheres; (...) (c) Encourage women and girls who have been victims of violence to report cases to the police, including by raising awareness among victims, health-care professionals and law enforcement officers about the criminal nature of such acts, prosecuting all acts of violence against women and girls and punishing perpetrators with adequate penalties; (d) Allocate sufficient resources for, and expedite the implementation of, plans to expand the network of shelters and specialized units at police stations and hospitals throughout the country, and ensure accessibility to them”.

    CEDAW COBs, CEDAW/C/AGO/CO/7: “26. (…) (a) Adopt a comprehensive law, in consultation with civil society, to prevent, combat and punish all forms of violence against women, including economic, psychological and physical violence, sexual violence, marital rape and sexual harassment, in the public and private spheres; (b) Encourage women and girls who are victims of violence to report cases to the police, including by sensitizing them, health professionals and law enforcement officers to the criminal nature of such acts, prosecuting all acts of violence against women and adequately punishing perpetrators; (...) (e) Allocate sufficient resources to, and expedite the implementation of, plans to expand the network of shelters and specialized units at police stations and hospitals throughout the State party, ensuring their accessibility...” [↑](#footnote-ref-96)
96. CEDAW COBs, CEDAW/C/IRQ/CO/7: “38. (…) the Committee recommends that the State party: (a) Take effective measures to mainstream a disability perspective into all gender-specific policies and legislation and to mainstream a gender perspective into all disability-specific policies and legislation; (b) Step up efforts and take effective measures to combat multiple and intersecting forms of discrimination against women and girls with disabilities; (c) Develop and adopt affirmative measures aimed at empowering and fully including women and girls with disabilities in all spheres of life, including by strengthening the efforts of the Commission for Persons with Disabilities and Special Needs to provide professional capacity-building to women with disabilities.”

    CRPD COBs, CRPD/C/IRQ/CO/1: “14. The Committee recommends that the State party: (a) Take effective measures, with the active involvement of organizations of women and girls with disabilities, to mainstream a disability perspective into all gender-specific policies and legislation, including the draft bill on protection against domestic violence, and to mainstream a gender perspective in all disability-specific policies and legislation; (b) Step up efforts and take effective measures to combat multiple and intersectional forms of discrimination against women and girls with disabilities; c) Develop and adopt affirmative measures aimed at the empowerment and full inclusion of women and girls with disabilities in all spheres of life, including by ensuring their representation in high-level committees for the enhancement of the status of Iraqi women and rural women of the department for the empowerment of women in the General Secretariat of the Council of Ministers and by strengthening the efforts of the Commission for the Care of Persons with Disabilities and Special Needs to provide professional capacity-building; to women with disabilities.” [↑](#footnote-ref-97)
97. CCPR COBs on Czechia, CCPR/C/CZE/CO/4, para. 23: “The Committee echoes the recommendations made by the Committee against Torture (CAT/C/CZE/CO/6, paras. 28–29) and the Committee on the Elimination of Racial Discrimination (CERD/C/CZE/CO/12-13, paras. 19–20), and calls on the State party to consider extending or abolishing the statute of limitation with regard to past cases of involuntary/forced sterilization”. [↑](#footnote-ref-98)
98. CCPR COBs, CCPR/C/MRT/CO/2, para. 27; CAT COBs, CAT/C/MRT/CO/2, paras 13(a), 15(a) and (d), 17. [↑](#footnote-ref-99)
99. CCPR COBs, CCPR/C/MRT/CO/2, para. 33 ; CAT COBs, CAT/C/MRT/CO/2, para. 9. [↑](#footnote-ref-100)
100. CCPR COBs, para. 35 ; CAT COBs, CAT/C/MRT/CO/2, para. 11. [↑](#footnote-ref-101)
101. CCPR COBs, CCPR/C/MRT/CO/2, para. 25 ; CAT COBs, CAT/C/MRT/CO/2, para. 35. [↑](#footnote-ref-102)
102. CCPR COBs, CCPR/C/MRT/CO/2, para. 39 ; CAT COBs, CAT/C/MRT/CO/2, para. 15(e). [↑](#footnote-ref-103)
103. CCPR COBs, CCPR/C/MRT/CO/2, para. 15 (a), (b) and (c); CERD COBs, CERD/C/MRT/CO/8-14, para. 12(a), (b) and (c). [↑](#footnote-ref-104)
104. CCPR COBs, CCPR/C/MRT/CO/2, para. 31(a), (b), (c) and (d); CERD COBs, CERD/C/MRT/CO/8-14, paras.14(a), (d) and para. 16. [↑](#footnote-ref-105)
105. CCPR COBs, CCPR/C/SEN/CO/5, para. 11 ; CESCR COBs, E/C.12/SEN/CO/3, para. 13. [↑](#footnote-ref-106)
106. CCPR COBs, CCPR/C/SEN/CO/5, para. 15 ; CESCR COBs, E/C.12/SEN/CO/3, para. 13. [↑](#footnote-ref-107)
107. CCPR COBs, CCPR/C/SEN/CO/5, para. 13 ; CESCR COBs, E/C.12/SEN/CO/3, para. 15. [↑](#footnote-ref-108)
108. CCPR COBs, CCPR/C/SEN/CO/5, para. 23 ; CESCR COBs, E/C.12/SEN/CO/3, para. 37. [↑](#footnote-ref-109)
109. CCPR COBs, CCPR/C/SEN/CO/5, para. 41 ; CESCR COBs, E/C.12/SEN/CO/3, para. 27. [↑](#footnote-ref-110)
110. CCPR COBs, CCPR/C/SEN/CO/5, para. 37; CAT COBs, CAT/C/SEN/CO/4, para. 22. [↑](#footnote-ref-111)
111. CCPR COBs, CCPR/C/SEN/CO/5, para. 8 ; CAT COBs, CAT/C/SEN/CO/4, para. 12. [↑](#footnote-ref-112)
112. CCPR COBs, CCPR/C/SEN/CO/5, para. 15 ; CAT COBs, CAT/C/SEN/CO/4, para. 36. [↑](#footnote-ref-113)
113. CCPR COBs, CCPR/C/SEN/CO/5, para. 25 ; CAT COBs, CAT/C/SEN/CO/4, para. 30. [↑](#footnote-ref-114)
114. CCPR COBs, CCPR/C/SEN/CO/5, para. 27 ; CAT COBs, CAT/C/SEN/CO/4, para. 18. [↑](#footnote-ref-115)
115. CCPR COBs, CCPR/C/SEN/CO/5, para. 39 ; CAT COBs, CAT/C/SEN/CO/4, para. 14. [↑](#footnote-ref-116)
116. CCPR COBs, CCPR/C/SEN/CO/5, para. 35(e) ; CAT COBs, CAT/C/SEN/CO/4, para. 16. [↑](#footnote-ref-117)
117. CCPR COBs, CCPR/C/SEN/CO/5, para. 29 ; CAT COBs, CAT/C/SEN/CO/4, paras 8, 20. [↑](#footnote-ref-118)
118. CCPR COBs, CCPR/C/SEN/CO/5, para. 41; CAT COBs, CAT/C/SEN/CO/4, para. 32. [↑](#footnote-ref-119)
119. CESCR COBs, E/C.12/SEN/CO/3, para. 25 ; CRPD COBs, CRPD/C/SEN/CO/1, para. 48. [↑](#footnote-ref-120)
120. CESCR COBs, E/C.12/SEN/CO/3, para. 42 ; CRPD COBs, CRPD/C/SEN/CO/1, para. 42. [↑](#footnote-ref-121)
121. CESCR reference to recommendations made by CRC, CAT and CMW, E/C.12/SEN/CO/3, para. 27. [↑](#footnote-ref-122)
122. “Possible elements for a common aligned procedure for the simplified reporting procedure”, A/74/256, Report of the Chairs of the human rights treaty bodies on their thirty-first annual meeting

     Annex 2. [↑](#footnote-ref-123)
123. CAT COBs also include review by medical staff on a daily basis; information to prisoners on their rights; review mechanisms of control and legal remedies; budgetary issues. See CCPR/C/NOR/CO/7, para. 25; CAT/C/NOR/CO/8, para. 18. [↑](#footnote-ref-124)
124. Evaluate the effects of full exclusions with a view to reducing them and use alternative measures whenever possible; set a maximum number of days; abolish full isolation for persons with mental disabilities in prison. [↑](#footnote-ref-125)
125. LOIs: CRC/C/AUS/Q/5-6, para. 8; CRPD/C/AUS/QPR/2-3, para. 25. COBs : CEDAW/C/AUS/CO/8, para. 42(e); CRC/C/AUS/CO/5-6, para. 33(c); CRPD/C/AUS/CO/2-3, para. 46. [↑](#footnote-ref-126)
126. <https://uhri.ohchr.org/en>. [↑](#footnote-ref-127)
127. Whilst providing for a survey system and regular reviews to update and discuss any new jurisprudential development. [↑](#footnote-ref-128)
128. CAT COBs, CAT/C/PRT/CO/7, para. 24: “The State party should: (a) Complete the establishment of therapeutic units in all juvenile detention centres; (b) Take appropriate action to ensure the separation of adults and minors in detention facilities.” [↑](#footnote-ref-129)
129. CRC COBs, CRC/C/PRT/CO/5-6, para. 44: “the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to: (a) Review existing custodial precautionary measures to ensure that child detention is used only in exceptional circumstances; (b) Introduce mandatory training on relevant international standards for all professionals working with the child justice system, such as judges, police officers, defence lawyers and prosecutors; (c) Prohibit and abolish the use of solitary confinement to punish children, and immediately remove all children held in solitary confinement (CRC/C/PRT/CO/3-4, para. 66 (c)); (d) Reinforce coordination between all actors involved in the child justice system, including courts, local commissions, social, educational and health services and reintegration services.” [↑](#footnote-ref-130)
130. CESCR COBs, E/C.12/NZL/CO/4, para. 49. [↑](#footnote-ref-131)
131. CEDAW COBS, CEDAW/C/NZL/CO/8, para. 32. [↑](#footnote-ref-132)
132. CEDAW COBs on Australia, CEDAW/C/AUS/CO/8, para. 32(h); Botswana, CEDAW/C/BWA/CO/4, para. 28(f); Cabo Verde, CEDAW/C/CPV/CO/9, para. 24(d); Marshall Islands, CEDAW/C/MHL/CO/1-3, para. 27(d), Mexico, CEDAW/C/MEX/CO/9, para. 30(e), Saudi Arabia, CEDAW/C/SAU/CO/3-4, para. 36(f). [↑](#footnote-ref-133)
133. *Id*. [↑](#footnote-ref-134)
134. CEDAW COBs on Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 28(a); Cambodia, CEDAW/C/KHM/CO/6, para. 27(a). [↑](#footnote-ref-135)
135. CEDAW COBs, CEDAW/C/CPV/CO/9, para. 24(c). [↑](#footnote-ref-136)
136. CCPR COBs, CCPR/C/CPV/CO/1/Add.1, para. 26; CRC COBs, CRC/C/CPV/CO/2, para. 90; CEDAW COBs, CEDAW/C/CPV/CO/9, para. 24. [↑](#footnote-ref-137)
137. CCPR COBs on Cabo Verde, CCPR/C/CPV/CO/1/Add.1, para. 26; Czechia, CCPR/C/CZE/CO/4, para. 31(b) and (c). [↑](#footnote-ref-138)
138. CEDAW/C/BWA/CO/4, “Increase efforts to reduce the incidence of maternal and child mortality, including by promoting staff retention in health-care services with the use of additional remuneration and incentives, increase mobile health posts in communities in which no health-care facility exists to provide free primary post ‑ partum care for women and girls”, para. 38(a). [↑](#footnote-ref-139)
139. CRC/C/BWA/CO/2-3 , “Strengthen measures to eliminate preventable infant and under-5 mortality by, inter alia, improving prenatal care, providing training to health service personnel on the prevention and clinical management of the leading causes of newborn and child deaths and applying the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31)…”, para. 26(b). [↑](#footnote-ref-140)
140. CEDAW COBs, CEDAW/C/MHL/CO/1-3, para. 33(c). [↑](#footnote-ref-141)
141. CRC COBs, CRC/C/MHL/CO/3-4, para. 37(e). [↑](#footnote-ref-142)
142. CMW COBs, CMW/C/DZA/CO/2, para. 42(a); CRC-OPAC COBs, CRC/C/OPAC/DZA/CO/1, para. 36(a). [↑](#footnote-ref-143)
143. CCPR COBs, CCPR/C/DZA/CO/4, para. 38(c). [↑](#footnote-ref-144)
144. CRC COBs, CRC/C/KOR/CO/5-6, para. 43(a). [↑](#footnote-ref-145)
145. CERD COBs, CERD/C/KOR/CO/17-19, para. 18. [↑](#footnote-ref-146)
146. CRPD COBs, CRPD/C/NOR/CO/1, para. 26(a). [↑](#footnote-ref-147)
147. CAT COBs, CAT/C/NOR/CO/8, para. 22(i). [↑](#footnote-ref-148)
148. CCPR COBs, CCPR/C/NOR/CO/7, para. 23. [↑](#footnote-ref-149)
149. For example, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has noted the lack of consensus more generally on involuntary detention and treatment of persons with disabilities within UN human rights bodies. See Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A/HRC/35/21, 28 March 2017, para. 33. [↑](#footnote-ref-150)