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Conclusions of the Chairs of the treaty bodies at the 34th meeting of the Chairs of the treaty bodies

* 1. “The following conclusions are the outcome of the 34th meeting of Chairs of the UN human rights treaty bodies and reflect the written contributions submitted by the ten treaty bodies. [[1]](#footnote-1) The Chairs unanimously agreed on the need to operationalize the common position of the Chairs of 2019 and the recommendations of the co-facilitators to the 2020 Treaty Body Review, based on their wide consultations, on the issues of the predictable schedule, harmonized working methods and digital uplift.
  2. These conclusions are also inspired by and constitute a concrete contribution to the Secretary-General’s Call to Action on Human Rights and his report Our Common Agenda which have called for a sustainable financing of the human rights mechanism and of the treaty body system in particular. The fulfilment of human rights treaty obligations contributes significantly to the promotion of international peace and security and enhances the objectives and principles of the UN Nations Charter. Findings and recommendations of the human rights treaty bodies cross-reference the relevant SDGs making the work of treaty bodies relevant to the sustainable development framework.
  3. The Chairs have reached these conclusions after a thorough consultative process with all treaty body experts during their sessions held in the past two years. The Chairs request the Office of the High Commissioner for Human Rights (OHCHR) to cost their conclusions, which remain fully within the remits of the two Covenants and the eight human rights treaties ratified by States. This costing should serve proposals for discussions within the established budgetary process of the UN with the aim of ensuring that the monitoring functions of the UN human rights treaty body system be properly funded in accordance with United Nations budgetary processes and on the basis of the landmark GA resolution 68/268.
  4. The present conclusions aim to strengthen the treaty body system in a sustainable manner, within the existing Convention mandates, and are based on the following principles:

(a) Strengthening protection of rights holders which is the main goal at the center of States’ legal obligations;

(b) Preserving the integrity of the treaty body system and the independence of treaty bodies and their experts;

(c) Enhancing the implementation of treaty obligations and related recommendations of treaty bodies;

(d) The necessity of achieving greater rationalization, simplification and alignment of procedures on the one hand with the mandates and working methods of each treaty body on the other.

* 1. The written contributions submitted by each of the ten treaty bodies, which are the basis of these unanimously adopted conclusions by the Chairs of all treaty bodies are available in full on the web page of the 34th meeting of the Chairs of the treaty bodies. [[2]](#footnote-2)

a) Predictable schedule

* 1. All treaty bodies agreed to establish a predictable schedule of reviews. The Committees that have periodic reviews (CESCR, HRC, CERD, CEDAW, CAT, [[3]](#footnote-3) CRC, [[4]](#footnote-4) CRPD and CMW) will establish an eight-year review cycle for full reviews with follow-up reviews in between.
  2. The Sub-Committee for the Prevention of Torture (SPT) and the Committee on Enforced Disappearances (CED) that do not have a system of periodic reports in their respective Conventions, will implement predictable schedules in accordance with their mandates and practices, see paragraphs 13 and 14 below.
  3. The review schedule will be implemented with a degree of flexibility in order to address special requests for the postponement of a country review due to exceptional circumstances. The schedule will take into consideration the calendar of the Universal Periodic Review.
  4. While the simplified reporting procedure will be the default procedure, for all committees except CED and SPT that do not have this process, the State parties can choose to opt for the traditional reporting procedure.
  5. Whereas the full review will consist of a review of all State obligations under the treaty in question, the follow-up review will cover up to four specific priority issues that were identified in the full review or that have since emerged. The modalities of follow-up reviews, including sufficient resources, will enable greater focus on a smaller number of critical issues aligning the procedures utilised by some Committees for follow-up.
  6. The predictable schedule will address the existing backlog of reports pending review and long-overdue reports, or additional information pending in State reviews by prioritizing those States with pending reports for review and long-overdue reports.
  7. The predictable review cycle is expected to increase the State party’s compliance with their reporting obligations. However, in cases where a report has not been submitted within the timeline, the review will be carried out as scheduled based on available information and dialogue with the State party, except in cases where the treaty body in question has accepted within a reasonable timeline the State party’s exceptional request for the postponement of the review.
  8. In the case of the Committee on Enforced Disappearances (CED), [[5]](#footnote-5) there is no fixed periodicity of the reporting procedure. Under article 29(4) of the Convention for the Protection of all Persons from Enforced Disappearances, the request for additional information is made only if the Committee deems it necessary, depending on the level of implementation of the Committee’s recommendations and conventional obligations by the State party and the evolution of the situation related to enforced disappearance in that country. These elements are also taken into account by the Committee to determine the delay within which it will request additional information, which can be of 2, 4 or 8 years.
  9. The Subcommittee on Prevention of Torture (SPT) [[6]](#footnote-6) will integrate the predictable schedule of an eight-year cycle and to carry out 91 visits within an eight-year period under that proposal, considering the current 91 States parties. In addition to its visiting mandate, the SPT also has a mandate to advise States parties and NPMs. [[7]](#footnote-7) Under this proposal, this would be done by holding cyclic dialogues four years after each visit.
  10. The adoption of a predictable schedule of reviews by all treaty bodies can be properly implemented with increased operational allocation of meeting time, where necessary, and with the necessary human resources. It must therefore be coupled with an adjustment of the formula contained in General Assembly resolution 68/268 that also takes into account the specificities of CED and SPT, as contained in their respective treaties [[8]](#footnote-8).

b) Individual communications

* 1. Account needs to be taken of the current number of individual communications under consideration and pending review as this, together with the pre-registration phase was not considered at the time the General Assembly resolution 68/268 was adopted.
  2. Eight of the ten treaty bodies have a mandated individual communications procedure. [[9]](#footnote-9) In the past years there has been a steady and incremental increase of individual communications received by the Petitions Unit. The historic petitions backlog needs to be addressed as a matter of priority so as to avoid the risk of denial of justice to victims. In view of the overall figures, workload targets have to be both inclusive of the current backlog and forward looking, namely accompanied by a formula adjusted to the increase in communications and including improving the follow-up of the implementation of views and providing an equitable allocation of financial and human resources corresponding to the workload across the treaty bodies. This will enable the treaty bodies to process individual communications in a more timely and efficient way and to enhance the effectiveness of the petitions mechanisms. For transparency and accountability purposes statistical data of all registered cases should be made available publicly and kept up to date on a regular basis.

c) Urgent Actions

* 1. Account also needs to be taken of the current number of urgent actions [[10]](#footnote-10) under consideration and pending review as this procedure was only beginning to be utilised when General Assembly resolution 68/268 was adopted.
  2. Through the Urgent Actions procedure, the CED can request that a State party takes immediate action to search for and locate a disappeared person. At the time of adoption of GA resolution 68/268, only a handful of urgent action requests had been registered. Since then, the number of new requests has increased exponentially. It is critical that the Urgent Actions are considered in the formula applied to determine the Secretariat’s resources.

d) Inquiries and country visits

* 1. Account also needs to be taken of the current number of inquiries and country visits under consideration as this procedure was only beginning to be utilised when General Assembly resolution 68/268 was adopted.
  2. Five treaty bodies have a mandated inquiry procedure (CAT, CEDAW, CESCR, CRPD and CRC) and two treaty bodies may undertake mandated country visits (SPT and CED). Inquiries and country visits are important mandated activities of the treaty bodies to respond to the systematic and/or grave violations or serious violations. Effective conduct of inquiries and country visits requires appropriate resourcing in terms of meeting time and financial and human resources.

e) Harmonised working methods

* 1. The implementation of the predictable schedule of reviews requires coordination and will be facilitated through further harmonisation of working methods across treaty bodies, including as regards follow-up reviews, deadlines for stakeholders’ submission, reduction of duplication and other issues.
  2. Coordination and harmonisation of the working methods will be enhanced though focal points appointed by each Committee to facilitate interaction between Committees and make recommendations to the Chairs.
  3. The secretariats of the treaty bodies will continue to support harmonization and coordination among the treaty bodies, including in implementing the predictable review cycle.
  4. In the case of CED, the Committee will also strive to achieve coordination and complementarity with other treaty bodies to decide whether and when to request additional information.

f) Reasonable Accommodation

* 1. An OHCHR reasonable accommodation policy should be an integral part of harmonised working methods of treaty bodies; the OHCHR should develop the reasonable accommodation policy underpinned by the United Nations Disability Inclusion Strategy (UNDIS) to enable treaty body experts with disabilities to fully participate in the work of their respective treaty bodies. The OHCHR reasonable accommodation policy would enable the OHCHR to implement protocols to identify and provide the individualised modifications, adjustments and supports required by treaty body experts with disabilities to be able to participate and be included on an equal basis with others. This policy should include a review mechanism to ensure the legal standard of non-discrimination on the basis of disability is met and the denial of reasonable accommodation as a ground of discrimination is recognised.

g) Digital Uplift

* 1. While State Party reviews should always be held in-person, there are areas of treaty body work that could benefit from using advanced, integrated digital platforms, including ‘hybrid’ meetings with State parties in exceptional circumstances. The platforms need to be efficient, transparent, accessible, secure, and ensure confidentiality and secure any proprietary rights of the United Nations.
  2. A digital case file management system for individual communications and CED urgent actions must be completed to allow for uploading of communications and tracking the process, including the status of the case. The submission process is to be streamlined, and allow the option of videoconferencing, oral evidence and States Parties responses in real-time. The digital tools required for this process will need to be secure and accessible.
  3. The digital option could also be offered to those SIDs and LDCs who request it either as a cost-saving measure, based on the high cost of appearing in person in Geneva or as a result of temporary exceptional circumstances (e.g. natural disasters, pandemics). This option may offer the possibility of reducing the backlog in these States Parties.
  4. Greater engagement with civil society and other non-State actors would be enhanced by undertaking online outreach activities, such as regional webinars and regional consultations, which have already been successfully undertaken by treaty bodies with support from OHCHR. It could also be achieved by transferring, as appropriate, some treaty body practice to online modes, such as holding regional online consultations for days of general discussion. Working Groups and joint treaty body working groups could also benefit from digital tools. Online activities should be conducted with simultaneous interpretation.
  5. The platforms and tools for the digital uplift are critical and will require a modernised file management and document sharing platform. These should provide support to stakeholder engagement, or joint work as may be undertaken by the Treaty Bodies. It will require a video conferencing/webcasting platform that is accessible and sustainable across the digital divide.
  6. The implementation of these platforms by the Office will require dedicated resources, and significant engagement with treaty body experts and all stakeholders to ensure they can be customised to meet the needs of all treaty bodies.
  7. The Chairs request the Office to formulate an Action Plan for the implementation of the conclusions contained in the present document.”

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1. Written contributions of Committees are available on the Chairs [webpage](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2586&Lang=en).

   [Proposal by CRPD dated 3 Aug 2021](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34021&Lang=en)

   [Contribution by CERD](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34022&Lang=en)

   [Contribution by CRC](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34023&Lang=en)

   [Contribution by CED](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34024&Lang=en)

   [Contribution by CCPR](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34025&Lang=en)

   [Contribution by CEDAW](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34026&Lang=en)

   [Contribution by CEDAW Annex](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34027&Lang=en)

   [Contribution by CAT](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34028&Lang=en)

   [Contribution by CESCR](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34029&Lang=en)

   [Contribution by SPT](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34030&Lang=en)

   [Contribution by CMW](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34031&Lang=en) [↑](#footnote-ref-1)
2. Ibid 18 [↑](#footnote-ref-2)
3. [Contribution by CAT to the 34th Chairs meeting - Proposal on the fixed calendar](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34034&Lang=en) [↑](#footnote-ref-3)
4. [Contribution by CRC to the 34th Chairs meeting - Position](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34037&Lang=en) [↑](#footnote-ref-4)
5. [Contribution by CED to the 34th Chairs meeting on reporting procedure article 29(4)](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34036&Lang=en) [↑](#footnote-ref-5)
6. [Contribution by SPT](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34030&Lang=en) [↑](#footnote-ref-6)
7. See [article 11 of the OPCAT](https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel) [↑](#footnote-ref-7)
8. The number of weeks allocated to a committee on a permanent basis prior to the adoption of [GA resolution 68/268](https://www.ohchr.org/sites/default/files/Documents/HRBodies/TB/HRTD/A-RES-68-268_E.pdf) will not be reduced [↑](#footnote-ref-8)
9. Contributions by [CRC](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34037&Lang=en), [HRCttee](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34039&Lang=en) and [CERD](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34038&Lang=en) to the 34th Chairs meeting on individual communications [↑](#footnote-ref-9)
10. [Contribution by CED to the 34th Chairs meeting - on Urgent Actions Procedure (article 30)](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCHAIRPERSONS%2fGED%2f34%2f34035&Lang=en) [↑](#footnote-ref-10)