

## **Position of the Committee against Torture regarding the Treaty Body Strengthening Process**

30 November 2021

At its 72<sup>nd</sup> session (8 November – 3 December), the Committee against Torture (hereinafter, the Committee) held thorough discussions on the treaty body strengthening process and considered the [proposal](#), dated 3 August 2021, from the Committee on the Rights of Persons with Disabilities (CRPD) as to how this matter should be taken forward. Following its deliberations, the Committee decided to set out its views on the main considerations involved.

The Committee appreciates the efforts of the CRPD to encourage dialogue amongst treaty bodies on concrete ways to advance treaty body strengthening, following the common vision of the Chairs of the human rights treaty bodies in 2019 (see [A/74/256, Annex III](#)) and the report of the co-facilitators appointed by the President of the General Assembly on the 2020 review ([A/75/601](#)).

The Committee is of the view that the UN human rights treaty bodies need, first and foremost, adequate financial and human resources to fulfil their mandates. The Committee is giving priority to review all pending States parties' reports and individual communications, but it is vitally important that the Secretariat be provided with additional resources to assist Committee members in these crucial matters. Therefore, the Committee considers that developing new initiatives would be futile if there were no clear costing and prospects for corresponding funds available to implement them. Any collective efforts and proposals aimed at strengthening and enhancing the effective functioning of the human rights treaty body system will require careful consideration of their budgetary implications, in a manner that takes into account the challenges faced by the committees in a comprehensive and systematic way.

The backlog in the consideration of States parties' reports and individual complaints, as well as the non- and late-reporting by many States, are challenges common to most treaty bodies that have been lately further exacerbated by the coronavirus disease (COVID-19) pandemic. The ad-hoc manner in which the treaty body system has grown, with an overlap of provisions and competencies, and the sometimes diverging working methods among the treaty bodies add a layer of complexity to those challenges.

Nevertheless, many of the concerns are not new and have been discussed for well over three decades. It would now be pertinent to move towards a common approach for strengthening and enhancing the effective functioning of the UN human rights treaty body system, bearing in mind the particularities of each treaty body and the expectations of stakeholders. In this regard, the Committee concurs with the CRPD's notion that a consistent and coherent treaty body system requires harmonized working methods, advanced integrated digital tools and adequate resources and support. While the Committee stands ready to implement a coordinated plan led by the treaty bodies, it considers that it is the responsibility of the States parties and the Office of the High Commissioner for Human Rights (OHCHR), as Secretariat, to ensure that the financial and human resources needed are provided in a timely manner.

The Committee has the following points to raise with regard to the three main areas of possible action identified by the CRPD:

## **1. Predictable schedule of country reviews**

With reference to the proposal concerning a predictable schedule for the consideration of States parties' initial and periodic reports based on a five-year review cycle common to all treaty bodies, with 'focused reviews' every other cycle, the Committee reiterates its position that it is not in favour of a consolidated calendar with a firmly fixed timetable of reviews of States parties by all committees (see [A/74/44](#), annex II). For any review schedule to be feasible it would need to allow a degree of flexibility, enabling the treaty bodies to consider country-specific developments, including requests by States Parties for rescheduling reviews due to unforeseen circumstances.

One of the arguments that has been put forward in support of the proposed predictable schedule is that it would include regular reviews of all States parties, including late- and non-reporting States. In that connexion, the Committee recalls that it already takes action with regard to States parties whose initial reports are long overdue, in accordance with the decision taken at its 52<sup>nd</sup> session to do so (see [A/69/44](#), para. 46). To ensure that a constructive dialogue can still be established, the Committee undertakes reviews of States parties in the absence of an initial report, in accordance with rule 67 of its rules of procedure ([CAT/C/3/Rev.6](#)). Other measures, such as the extension of the simplified reporting procedure for overdue initial reports and the assistance provided through the OHCHR Treaty Body Capacity Building Programme, also have a significant impact and should be further supported.

Furthermore, the Committee considers that the proposed predictable schedule does not fully reflect the difference between core human rights treaties and in membership of the ten treaty bodies. With only ten members, the Committee against Torture is one of the two committees with the smallest membership. In addition to the mandatory reporting procedure with a reporting periodicity of four years, Committee members are responsible for the optional inter-State and individual complaints procedures and confidential *ex-officio* inquiries. To date, 173 States have ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All this results in an already very heavy workload for each Committee member and limits its capacity to carry out work through working groups and other modalities that might be more feasible in larger committees with more limited mandates.

## **2. Harmonised working methods**

The Committee is constantly seeking to strengthen its working methods to promote full implementation of the Convention and it is supportive of efforts to harmonize working methods across treaty bodies as long as the specificities of each treaty body are taken into account. Within the Committee, its procedures are under constant scrutiny and review to develop more effective and efficient ways to discharge its mandate. It should be recalled that an important initiative to ease the reporting obligation of States parties is the simplified reporting procedure, which was spearheaded by the Committee in 2007 and now adopted by all treaty bodies that consider periodic reports.

At its 68<sup>th</sup> session (11 November – 6 December 2019), the Committee adopted, on a pilot basis, concrete measures to ensure that dialogues with and recommendations for States parties were more focused and coordinated with other treaty bodies (see [A/75/44](#), annex III). These measures include, inter alia, the coordination of list of issues prior to reporting and concluding observations.

In relation to the proposed ‘focused reviews’, at its 71<sup>st</sup> session (12-30 July 2021) the Committee held its first-ever focused country review, which consisted of two two-hour online meetings devoted to the consideration of a State party’s periodic report, with the selection of five thematic priorities beforehand. At the current 72<sup>nd</sup> session, this new methodology has been successfully tested again during the consideration of another State party’s report in hybrid meetings. The Committee values the focused reviews format as an efficient way to address the most pressing priority issues, allowing for a more constructive and in-depth dialogue. It should be noted that the above-mentioned online/hybrid focused reviews did not create a precedent for future reviews during in-situ sessions, they were based on the principle that the State party should volunteer and not be imposed this format, and that the decision was taken on an exceptional basis bearing in mind the difficulties presented by the COVID-19 pandemic. This format reduces the time needed to conduct a country review but does not result in savings in terms of staffing needs and staff resources.

The Committee notes that another subject broached in the CRPD proposal is the possibility of holding in-situ sessions in other countries or regions, which would doubtless bring the work of the Committee closer to States parties and civil society. Certainly, for some States parties and other stakeholders, sending a delegation or representatives to Geneva is financially prohibitive. On the other hand, in-situ session in other locations also raise issues related to human resources and logistics. In the detail, it is unclear how many Committee members would travel to in-situ sessions held in other locations, or whether the Committee members would be required to report their findings at a plenary meeting in Geneva. Even so, the Committee finds the proposal interesting and beneficial, as it would increase the impact of its work and enhance its legitimacy and visibility. The Committee is open to explore the feasibility of in-situ reviews provided a comprehensive preliminary study is carried out to assess the related financial, administrative, logistics and security implications.

Regarding the incorporation of follow-up procedures within future focused reviews, the Committee notes that its procedure for follow-up to concluding observations has become an integral part of the reporting cycle and an important means of assessing the degree to which compliance with the Committee’s recommendations has had an impact (see [CAT/C/55/3](#)). In the same context, States parties are now encouraged to inform the Committee about their plans for implementing within the next reporting period some or all of the other recommendations included in the concluding observations that are not selected for follow-up purposes. This is intended to strengthen implementation through an offer to States parties to continue the constructive dialogue with the Committee also in the time between reviews.

Lastly, Committee supports the CRPD’s proposal for the adoption of a UN reasonable accommodation policy, which should be integrated into each treaty body’s working methods.

### **3. Digital Uplift**

The CRPD proposal also refers to the need of a “digital uplift” of the treaty body system, since the existing digital platforms do not meet current needs. In this regard, the Committee has encountered technical difficulties during its online activities, and considers that new digital tools would greatly contribute to enhance its performance and efficiency. However, any such tools must be secure, confidential and proprietary to the United Nations, rather than provided by a third-party.

The Committee is of the view that in-person meetings in Geneva should be prioritized over virtual meetings, and that online meetings require additional resources and the adaptation of working methods. In any case, the Committee has a long-standing practice of allowing online and hybrid participation during formal and informal preparatory meetings for country reviews with non-governmental organizations and other civil society organizations, national human rights institutions and/or national preventive mechanisms and UN entities. Finally, in the current circumstances, and bearing in mind existing COVID-19 related measures and requirements for travel, the Committee expects an increase in the number of requests for online and hybrid meetings from NGO/CSOs and other stakeholders.