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Status of the human rights treaty body system

Report of the Secretary-General

Summary

In its resolution [68/268](#), the General Assembly requested the Secretary-General to submit to the Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system. The present report is the third report submitted pursuant to that request and to Assembly resolution [73/162](#).

The report, together with the supplementary information provided in the statistical annexes, which are available on the OHCHR website (www.ohchr.org/EN/HRBodies/HRTD/Pages/3rdBiennialReportbySG.aspx), provides information on the progress achieved in implementing resolution [68/268](#) and identifies remaining challenges and emerging ideas and proposals. The report includes information on the number of reports submitted and reviewed by the Committees of independent experts, the visits undertaken and the individual communications received and reviewed, where applicable, the state of the backlog, both in terms of communications and reporting, capacity-building efforts and the results achieved. It also addresses the situation of the treaty bodies in terms of treaty ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in the dialogue with the treaty bodies.



I. Introduction

1. The present report is the third submitted pursuant to General Assembly resolution 68/268, in which the Assembly requested the Secretary-General to submit to it, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work. The report serves to assess progress achieved and remaining challenges in implementing the resolution and includes emerging ideas and proposals.

2. In the resolution (para. 41), the General Assembly decided to consider the state of the human rights treaty body system no later than six years from the date of the adoption – 9 April 2014 – of the resolution and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

3. There are 10 treaties, for which 10 Committees have been established to monitor implementation of the international human rights obligations by the States parties. The Committees are composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by the State parties. There are 172 experts serving pro bono in their personal capacity in the Committees. The experts do not receive any salary, although the United Nations covers their travel costs and daily subsistence allowance during their participation in the meetings and, where applicable, visits of the Committees. The meetings of the Committees are held in Geneva. The treaty bodies perform a number of functions aimed at reviewing how the treaties and protocols are being implemented by the States parties.

4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provides substantive, legal, procedural, administrative and logistical support and advice to the Committees. The mandate and activities of each Committee depend on the specific provisions of each treaty.

5. Currently, most of the meeting time of a Committee is allocated to reviewing information by a State party, usually provided in advance and in the form of a report, to enable the Committee to have a dialogue with the State party delegation on how the State implements its legal obligations under the relevant treaty. The outcome of the dialogue is a set of recommendations for implementation by the State party. Committees with the competence to receive individual communications, subject to the State recognizing such competence, examine the admissibility and merits of communications in which individuals from the State party concerned allege that the State is violating the provisions of the treaty.

6. The Subcommittee on Prevention of Torture has a preventive mandate to visit all places of detention and has an advisory role. The Committee on Enforced Disappearances also has a preventive mandate in relation to enforced disappearances and can undertake visits if it receives reliable information indicating that a State is seriously violating the provisions of the Convention. It also has a specific urgent action procedure whereby it can request that a State party seek and locate persons who have disappeared. Some Committees have the mandate to conduct inquiries, subject to the State recognizing such competence, and visits in cases of grave or systematic violations by a State of its legal obligations under the relevant treaty. The Committee on the Elimination of Racial Discrimination has early warning and urgent action procedures whereby the Committee can seek to prevent and respond to serious violations of the Convention. Committees provide guidance on the interpretation of how the provisions of the treaty should be applied by the State party by issuing

general comments or recommendations. Committees also follow up on or request further information relevant to the implementation of the treaties.

7. The present report builds on the information provided in the two previous reports of the Secretary-General on the status of the treaty body system (A/71/118 and A/73/309). It provides an update on figures and trends as at 31 October 2019 (prorated to 12 months when necessary for calculations), compared with the previous reporting period that concluded on 31 December 2017.

Observations from States parties and other stakeholders

8. In preparing the present report, OHCHR solicited the views of States parties and other stakeholders. All written contributions received are available on the OHCHR website.¹

II. State of implementation of General Assembly resolution 68/268

9. The adoption of resolution 68/268 was an important landmark since it represented the first time that the General Assembly had addressed the treaty bodies as a collective system, rather than as individual Committees in piecemeal fashion. In 2011, the Secretary-General concluded in paragraph 47 of his report (A/66/344) that reviews of staffing or financial needs only took place in an ad hoc manner upon the adoption of a decision to request additional meeting time, or when a treaty passed a milestone for expansion. In paragraph 26 of the resolution, the Assembly addressed this challenge by introducing a mathematical formula to identify the allocation of meeting times to the Committees on the basis of fixed weekly workload targets, mainly for reviewing reports of States parties and individual communications compared with the average number of such reports and communications received by each Committee in the previous years. In addition, Committees were allocated two additional weeks per year for additional or other mandated activities (see sect. III.A below).

A. Ratifications

10. The total number of ratifications of the human rights treaties and protocols, as well as relevant declarations enabling communications and inquiries procedures, was 2,451 as at 31 October 2019, compared with 2,386 as at 31 December 2017, representing a 2.7 per cent increase (annex I). The highest increases are associated with ratifications of optional protocols and declarations recognizing the competence of Committees to consider individual communications and inquiries. The number of ratifications of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which also includes the inquiry procedure, increased by 24.3 per cent over the number as at 31 December 2017.

B. Reporting compliance

11. As at 31 October 2019, 38 of the 197 States parties (19 per cent) had no overdue reports under the relevant international human rights treaties and protocols (annex II),

¹ See www.ohchr.org/EN/HRBodies/HRTD/Pages/3rdBiennialReportbySG.aspx.

compared with the previous reporting period, in which 34 States parties (17 per cent) had no overdue reports.

12. As at 31 October 2019, 159 States parties (81 per cent) had some 569 reports overdue, 250 initial and 319 periodic, over a time period ranging from one to two years for initial reports and two to six years, or as requested by the Committee for periodic reports during the relevant period. In the previous reporting period, 163 States parties (83 per cent) had 578 reports overdue, 266 initial and 312 periodic.

C. State party reports

13. As at 31 October 2019, 109 State party reports had been received by the Committees with reporting procedures in 2019 (annex III). For the present report, the reference period used is 2016–2019 (prorated for the last two months of 2019) to identify the meeting time needs of the Committees to review the reports of States parties. The average number of reports received was 130.2 per year, representing a slight increase of 1.1 per cent, compared with an average of 128.8 reports per year as at 31 December 2017 (annex III).

14. In terms of workload targets established under the resolution, on average the Committees reviewed 2.6 reports per week in 2018–2019, slightly exceeding the target of 2.5 reports per week. On average, the Committee on the Rights of the Child reviewed 4.6 reports per week in 2018–2019 for the two Optional Protocols to the Convention requiring an initial separate report, slightly below the target of 5 reports per week (annex IV).

15. The number of reports pending review, commonly referred to as the backlog, reflects the number of reports that have been received and are awaiting consideration by the relevant Committee. The backlog as at 31 October 2019 was 183 reports, representing a decrease of 20.4 per cent, compared with the backlog of 230 reports as at 31 December 2017 (annex V). In 2018–2019, the Committees reviewed approximately 150 reports, meaning that at current capacity, the Committees would need more than one year to clear the backlog. It should be noted that the Committee on the Rights of the Child has the largest number of States party reports pending review, namely, 49 reports as at 31 October 2019.

D. Individual communications

16. As at 31 October 2019, 591 individual communications had been received and registered by the Committees with individual communications procedures in 2019. For the present report, the reference period used was 2018–2019, and the average number of individual communications received (prorated for the last two months of 2019) increased to 540.1 per year. This represents an increase of 80 per cent, compared with an average of 300 individual communications received per year in 2016–2017 (annex VI). It should be noted that the Committee on Economic, Social and Cultural Rights experienced the greatest percentage increase in the average number of communications received, from 6 to 79.6 communications, or an increase of 1,226.7 per cent.

17. In terms of workload targets, the Committees adopted on average of 23.4 final decisions per week in 2018–2019 over an average period of 10.5 weeks, which is slightly above the target of 23 communications per week (annex VII). However, during 2018–2019, the Committees were not able to utilize approximately 5.5 weeks of the 16 weeks allocated to consider individual communications, which was due to the shortfall of staff resources needed to prepare the documentation and drafts for the

consideration of Committees, given that the General Assembly had decided not to approve those resources (see sect. III.B below).

18. The backlog of communications that have been received and are awaiting review by the relevant Committees was 1,587 as at 31 October 2019, representing an increase of 62.4 per cent compared with the backlog of 977 communications as at 31 December 2017 (annex VIII). On average, the Committees adopted 250 decisions per year in 2018–2019, meaning that with the current staff resources, the Committees would need more than six years to clear the backlog, without considering any new individual communications received.

E. Specific activities of the Subcommittee on Prevention of Torture

19. The mandate of the Subcommittee on Prevention of Torture is to undertake visits to places of deprivation of liberty, as per article 1 of the Optional Protocol to the Convention against Torture, and to provide assistance and advice to the national preventive mechanisms to be established or designated by each State party. States parties to the Convention are obliged to allow visits by the Subcommittee. As at 31 October 2019, there were 90 States parties, three more since the previous reporting period (annex I). In 2018 and 2019, the Subcommittee had planned to carry out nine visits per year, which had to be reduced owing to the decision of the General Assembly to apply a 25 per cent reduction to the budget for the travel of high-level representatives, and the United Nations-wide liquidity crisis. The Subcommittee was particularly impacted by the reduction since field visits are its main activity; as a result, it was only able to carry out six visits in 2018 and seven in 2019.

20. For the same reasons, in 2018–2019, the Subcommittee was not able to use the additional week of meeting time that had been approved for its use (annex IX)² since its sessions are mainly dedicated to planning the visits and adopting the reports of the visits (see sect. III.B below).

F. Specific activities of the Committee on Enforced Disappearances

21. The Committee on Enforced Disappearances has the authority to receive requests for urgent action, including from relatives of a person who has disappeared, for the person to be sought and found. The Committee may request the State party to provide it with information on the situation of the persons sought within a time limit and, in very serious and urgent cases, it may ask the State party to adopt measures to avoid irreparable harm to the person concerned or for other information relevant to locating the person (interim measures). As at 31 October 2019, the Committee had registered a total of 790 urgent actions requesting assistance in the location of individuals who had disappeared, compared with the 445 registered as at 31 December 2017, representing an increase of 345 urgent actions, or 77.5 per cent (annex X).

22. As at 31 October 2019, the Committee had adopted 386 decisions, of which 65 were decisions to close urgent actions since the person who had disappeared had either been located alive and been released or found dead. The Committee has 725 urgent actions under consideration and pending review, which represents its backlog as at 31 October 2019. There is therefore an increase of 79 per cent in the backlog, compared with the 405 urgent actions under consideration as at 31 December 2017 (annex X).

² Entitlement of one week of interpretation services was used in 2019 for the Subcommittee on Prevention of Torture working groups meeting in parallel during sessions.

23. In 2018–2019, the Committee did not use one additional week of allocated meeting time and only met for four weeks each year, owing to the insufficient number of staff supporting the Committee to consider the additional information submitted pursuant to article 29, paragraph 4, of the Convention. The Committee is planning to undertake a visit or visits pursuant to article 33 of the Convention (see sect. III.B below).

G. Inquiries and in situ visits

24. Six of the Committees have a mandate to conduct inquiries when they receive reliable information indicating grave or systematic violations by a State party of rights set forth in the respective treaty, if the State party has recognized the competence of the Committee under the specific provision. Once the Committee is satisfied that the information complies with the set criteria, the Committee will invite the State party to submit its observations and consider other relevant information and will then decide to designate one or more of its members to conduct a confidential inquiry. The outcome of the inquiry is a report to the State party, which may also include a visit. The mandate of the Committee on Enforced Disappearances to undertake visits, if it receives reliable information indicating that a State party is seriously violating the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance, applies to all States parties that have ratified the Convention.

25. As at 31 October 2019, seven requests for inquiries had been received by four Committees since the previous reporting period ending in 2017. Three confidential inquiries were conducted by three Committees, of which one also included a visit (annex XI).

26. In 2018–2019, owing to the insufficient number of staff supporting the work of Committees on inquiries, the 25 per cent reduction in the travel of experts and the liquidity crisis, OHCHR was only able to support one inquiry per Committee per year (see sect. III.B below).

H. Inter-State communications

27. Seven of the Committees have the authority to receive and consider communications from one State party alleging that another State party is not giving effect to the provisions of the treaty, if the procedure has been accepted by both States parties. As at 31 October 2019, three inter-State communications had been submitted to the Committee on the Elimination of Racial Discrimination, which were under consideration at varying stages by the Committee.

I. Capacity-building programme

28. As at 31 October 2019 – and since the previous reporting period ending in 2017 – the capacity-building programme team had provided training and support to State officials in 95 countries, organized more than 285 activities in which some 3,830 persons participated, helped to increase knowledge and skills on specific treaties and issues, and encouraged new ratifications and timely submission of outstanding reports (annex XII). States have ratified or withdrawn reservations to 11 treaties and submitted 23 outstanding State party reports, including responses to requests for information by the Committees or common core documents. The outreach of the capacity-building team contributed to the direct or indirect participation of State officials in eight dialogues with Committees during the State party reviews. The team

encouraged and assisted 24 States to establish new or strengthened national mechanisms for reporting and follow-up.

29. During the period under review, the capacity-building programme team developed a full training package on treaty reporting which is accessible online in five official languages to accompany the online training and the printed version of the reporting manual. A document entitled *Preventing Torture: The Role of National Preventive Mechanisms – A Practical Guide* was also developed.

30. The capacity-building programme has contributed to the maintenance and upgrading of the Universal Human Rights Index – a searchable database of recommendations by the treaty bodies, the universal periodic review and the special procedures of the Human Rights Council, including with regard to the Sustainable Development Goals. The programme also served to develop and support the establishment of a national recommendations tracking database through six pilot projects, namely, in Botswana, Mauritius, Montenegro, Saudi Arabia, Sierra Leone and the State of Palestine.³

J. Accessibility

31. Currently, provisions for accessibility for persons with disabilities (annex XIII) are extended only to the Committee on the Rights of Persons with Disabilities. The provisions are only available for formal meetings of the Committee. Services provided include sign language interpretation, simultaneous remote captioning and, to a lesser extent, Braille printing, as required. Webcasts of meetings with accessibility features are available on the UN Web TV website (<http://webtv.un.org/>). There are currently no entitlements to produce “plain language” or “easy-to-read” versions of documents for any of the Committees. Reasonable accommodation for the participation of experts with disabilities and others to meetings of the Committees is often provided where needed in a particular case, on an ad hoc basis. The Chair of the Committee on the Rights of Persons with Disabilities acknowledged that, while progress had been made on disability rights in the United Nations, accessibility, particularly the provision of information in accessible means and modes, such as Braille, easy-to-read formats and captioning, for members and participants in United Nations meetings to work effectively on an equal basis with others, remained a challenge every session.⁴

K. Webcasting and use of information technology

32. In paragraph 6 of its resolution [73/162](#), the General Assembly decided to provide, as of 2020, in all the official languages used in the respective committees, live webcasts and video archives of relevant meetings of the treaty bodies that were available, accessible, searchable and secure, including from cyberattacks. To date, this activity has been funded through voluntary contributions. As from January 2020, it should be fully covered under the regular budget of the United Nations.

33. States parties have been provided with the opportunity to participate in the consideration of their reports by the Committees via videoconference in specific cases in order to facilitate wider participation in dialogues, especially for least developed countries, landlocked developing countries and small island developing States. The United Nations Office at Geneva ensures operational support. The successful holding

³ Reference to Palestine should be understood in compliance with General Assembly resolution [67/19](#).

⁴ Opening remarks 22nd session of the Committee on 26 August 2019. Available at <http://www.internationaldisabilityalliance.org/crpd-22nd-session>.

of such dialogues through this means depends to a large extent on the quality of the connection in the location of remote participants. Technical challenges may affect the quality of the sound transmitted, which in turn affects the capacity to provide quality simultaneous interpretation and thus the effective holding of the dialogue. The remote participation of States parties in meetings of the different Committees increased to 28 for 2018–2019 as at 31 October 2019, representing an increase of 65 per cent, compared with the total of 17 remote participations in 2016–2017 (annex XIV).

L. Alignment or harmonization of working methods

34. Alignment or harmonization of working methods has been coordinated through the annual meeting of the Chairs, which is held once a year for one week, as encouraged the General Assembly in paragraph 38 of its resolution 68/268 (annexes XV–XVIII). At the 31st meeting of the Chairs, in June 2019, the Chairs endorsed the elements of a common aligned procedure for the simplified reporting procedure to be offered to States parties (see A/74/256, annex II) and discussed the implementation of the Guidelines against Intimidation or Reprisals (San José Guidelines). With regard to both issues, the Chairs were able to build on the common ground covered during two separate workshops held in December 2018, with the participation of focal points from each Committee and relevant stakeholders. The main focus of the Chairs at the meeting was to elaborate a common vision for the 2020 review of the treaty body system (see A/73/140, annex III, and sect. VI below).

35. The simplified reporting procedure is aimed at ensuring higher compliance with reporting obligations. Under the regular reporting procedure, a State party review is scheduled after the State party report has been received. Subsequently, the Committee usually sends a list of issues to the State party to elicit further information prior to the dialogue, and the State party responds prior to the review. Under the simplified reporting procedure the Committee schedules the review of a State party and elaborates a list of issues prior to reporting. The responses of the State party to the list of issues prior to reporting constitute the State party report. Agreed elements of alignment include having a standard methodology with predictable deadlines and a clear timeline for submitting replies to list of issues prior to reporting and for the date of the State review. In order to implement this, all the information should be made accessible, including to persons with disabilities, by creating a common webpage for the Committees, by having a database that provides an overview of the Committees and States parties that are using the list of issues prior to reporting and that keeps track of their deadlines and content, and by creating an online training tool on the simplified reporting procedure. In principle, the procedure can be offered by all the Committees and is subject to the capacity of the Committees and the Secretariat to prepare the list of issues prior to reporting and to adjust the meeting time to accommodate the scheduled reviews of States parties.

36. The systematic use of the simplified reporting procedure would have resource implications in terms of making the list of issues, used under the regular reporting procedure, redundant, and therefore creating savings, adjusting meeting time to the reviews scheduled and ensuring additional staff support to undertake the preparatory drafting of the list of issues prior to reporting. Drafting this list requires more research than for the list of issues since the list of issues prior to reporting is elaborated prior to the receipt of a State party report (see CCPR/C/123/3). The challenge is to ensure that States scheduled to be reviewed respond to the list of issues prior to reporting and participate in the dialogue with the Committee. Some Committees have reviewed States in the absence of a written report or of written replies to list of issues prior to reporting, and this has encouraged States to participate in the dialogue and to provide an oral report to the Committee, either in person or remotely. The Committee on the

Elimination of Racial Discrimination has simplified its regular reporting procedure by not requiring a response by a State party to the list of issues, which it refers to as a list of themes to guide the dialogue.

37. Regarding reprisals, the Chairs requested the Secretariat to compile the allegations of reprisals and action taken in order to identify, at the next meeting of the Chairs, trends for discussion and further action needed. All the Committees have appointed focal points on reprisals, and the issue of reprisals is a standing item on the agenda of the annual meeting of the Chairs. There is a dedicated webpage on reprisals with a list of the focal points for each Committee, in line with a United Nations system-wide approach on dealing with reprisals.⁵

38. The vision of the Chairs for the 2020 review of the treaty body system also includes areas in which Committees have to a large extent aligned working methods, such as with regard to the format of the constructive dialogue with States parties; ensuring that concluding observations are more focused, targeted and implementable; aligning requests for further information relevant to the implementation of the treaties; aligning inquiry procedures and remedies; using the same methodology for the consultation process that is used for the elaboration of general comments; engaging with national human rights institutions; and implementing the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines).

III. Meeting time in 2018–2019

A. Background

39. In paragraph 26 of its resolution 68/268, the General Assembly decided that the allocation of meeting time to the treaty bodies would be identified by: (a) an allocation of the number of weeks that each treaty body required to review the reports of States parties it could expect annually, using the average number of reports received per Committee during the period from 2009 to 2012, on the basis of an assumed attainable rate of review of at least 2.5 reports per week and, where relevant, at least 5 reports under the Optional Protocols to the human rights treaties per week; (b) a further allocation of two weeks of meeting time to allow for mandated activities, plus an allocation of additional meeting time to those Committees dealing with individual communications, on the basis of each such communication requiring 1.3 hours of meeting time for review and the average number of such communications received per year by those Committees; (c) an additional margin of 5 per cent to prevent the recurrence of backlogs; and (d) an adequate allocation of financial and human resources to those treaty bodies whose main mandated role was to carry out field visits. In paragraphs 27 and 28, the Assembly further decided that the amount of meeting time allocated would be reviewed biennially on the basis of actual reporting during the previous four years and would be amended at the request of the Secretary-General in line with established budgetary procedures. The Assembly requested that the Secretary-General take into account the meeting time needed in relation to the increased capacity of States parties to submit reports under the respective human rights instruments and the situation in terms of ratifications.

40. Prior to the adoption of resolution 68/268, the nine Committees that review State party reports and individual communications had a combined total allocation of 72 weeks of meetings each year, the Subcommittee for the Prevention of Torture was allocated three weeks, and one week was allocated to the annual meeting of the

⁵ See www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx.

Chairs. Pursuant to the resolution, the meeting time for the nine Committees was increased to 92.6 weeks until the end of 2017. The meeting time for the Subcommittee and the Chairs meeting did not change.

41. In his first report on the status of the treaty body system, the Secretary-General assessed further developments in respect of ratifications to the treaties, the compliance of States with their reporting obligations and the number of reports and individual communications received, and accordingly determined the meeting time needs of the treaty body system for the biennium 2018–2019 in line with the workload parameters decided by the General Assembly (A/71/118, para. 39). As a result, the annual meeting time of the Committees was redistributed among them, with a slight overall increase from 92.6 weeks to 93.2 weeks. While the additional meeting time was only 0.6 weeks (three days), there was an important shift from the allocation of time for the review of States parties reports to the time allocated to the consideration of individual communications. The Secretary-General concluded that the meeting time for various Committees to review States parties reports could be reduced by 7.1 weeks (from 66.3 weeks to 59.2 weeks), while an additional meeting time of 7.7 weeks was needed to address the 80 per cent increase in the volume of individual communications received (from 8.3 weeks to 16 weeks). He also reiterated the request of the Subcommittee on Prevention of Torture to include one additional week of meetings per year and a corresponding increase in staff and other resources in order to keep pace with the increase in the number of States parties (*ibid.*, para. 59).

42. Although the required increase in total meeting time was modest, the shift of time for the more labour-intensive review of individual communications entailed a much more substantial increase in the required staffing support. In the proposed programme budget for the biennium 2018–2019, the Secretary-General proposed the establishment of 11 new posts (10 Human Rights Officers (P-3) and 1 support staff (General Service (Other level))) to address the evolving workload. The proposal was not supported by the General Assembly, however, in its review of the proposed budget, and the decision was taken instead to establish only five positions of Human Rights Officer (P-3) using general temporary assistance. In its resolution 72/261, the Assembly nevertheless reaffirmed resolution 68/268, in the light of questions raised regarding the review and request process elaborated in paragraphs 26 to 28 of resolution 68/268. As a result, the Secretary-General prepared the second report on the status of the treaty body system (see sect. IV below).

B. Challenges in implementing mandates in 2018–2019

43. During the biennium 2018–2019, the treaty body system was not able to utilize all of the approved meeting time, given that it did not have the requisite staff resources, in particular for individual communications (annex XIX). Without the required staffing levels to ensure the proper processing of individual communications throughout their life cycle, including timely screening of incoming communications, preliminary legal analysis and corroboration of details and case management, the number of draft decisions reaching the Committees for consideration and decision-making was below the workload targets for 2018–2019, leading to a corresponding adjustment of the meeting time of the Committees. In 2018–2019, for the consideration of individual communications, the seven Committees concerned were able to meet for only 10.5 weeks instead of 16 weeks (4.8 weeks less for the Human Rights Committee, 0.1 week less for the Committee against Torture and 0.6 week less for the Committee on the Rights of Persons with Disabilities). Instead of 59.2 weeks for the reviews of State party reports, OHCHR supported 58.2 weeks (one week less of meeting time for the Committee on Enforced Disappearances). The Subcommittee

on Prevention of Torture did not meet for an additional week as it did not have the necessary staff to support its visits.

44. The additional challenges facing the Committees result from the decision of the General Assembly at the end of 2017 to reduce by 25 per cent the travel of high-level representatives for the biennium 2018–2019 and from the liquidity crisis. In response, OHCHR has had to consider postponing the sessions of the Committees with a scheduled third session in 2019. Although the Secretary-General and the High Commissioner took remedial action by implementing a one-time stopgap for 2019 so that those sessions could proceed, the impact on the Subcommittee on Prevention of Torture was that two of its nine scheduled visits for the later part of 2019 had to be postponed owing to a lack of available funds.

45. The impact of the above was two-fold. On the one hand, the backlog in the consideration of State party reports was significantly reduced overall – also due to the fact that there was a very small increase in the number of reports received. On the other hand, the backlog of individual communications increased significantly – also due to an increase in the number of individual communications received, which the Secretariat has not been able to process with the current level of staff support. The total time it now takes for the consideration of individual cases following registration is almost six years, compared with four years during the previous reporting period. The situation has a serious impact on victims and rights-holders, who will need to wait even longer to seek redress before the Committees.

46. Similarly, the Committee on Enforced Disappearances, which was not able to meet for the additional week to which it was entitled, owing to the lack of staffing support to prepare documentation for its review, was not able to decrease its significant backlog of requests for urgent action.

47. For the biennium 2018–2019, OHCHR was only able to support one inquiry and the elaboration of one general comment per Committee per year. This is because preparatory work on inquiries and general comments needed to be prioritized between Committees so as to take into account the actual levels of staff support.

48. For the biennium 2018–2019, there was also an additional and unforeseen workload associated with the first-ever receipt of three inter-State communications by the Committee on the Elimination of Racial Discrimination.

IV. Meeting time needs for 2020–2021

49. In his second report on the status of the treaty body system (A/73/309), issued in August 2018, the Secretary-General again assessed developments in respect of ratifications to the treaties, compliance of States with their reporting obligations and the receipt of State party reports and individual communications, and identified the projected meeting time and related requirements for 2020–2021. He confirmed the trend of a slightly reduced meeting time for the review of State party reports (from 59.2 to 57 weeks) and the consistently high number of individual communications received (requiring the continuation of 16 weeks of meeting time). He also indicated that the two weeks per year allocated for other mandated activities, including urgent actions, inquiries and/or visits, requests for further information relevant to the implementation of the treaties (also known as follow-up procedures) and the preparation of general comments, had not been accompanied by sufficient staffing resources to meet the actual workload generated by the activities. He calculated that the workload associated with the activities involved approximately 20 per cent more preparatory work for the staff than had been originally foreseen (para. 58). Accordingly, although there would be a slight reduction in the total meeting time

required by the Committees (minus 2.2 weeks), owing to slightly less State party reporting, the resources required for the review of individual communications and other mandated activities of the Committees remained inadequate (estimated 12 P-3 posts and 2 General Service (Other level) posts).

50. In follow up to the second report, the General Assembly adopted resolution [73/162](#) on the human rights treaty body system, in which it reaffirmed in paragraph 5, and in even more explicit language, the review and request process elaborated in resolution [68/268](#).

51. The annual programme budget for 2020 reflects the reduced meeting time requirements of the Committees as elaborated in the second report. However, while the five general temporary assistance positions (P-3) approved in the biennium 2018–2019 were carried forward, the additional staffing requirements identified in the report as necessary to support the more labour-intensive activities of the treaty bodies were not addressed. Accordingly, it can be expected that the same issues of capacity will remain, with the existing staff support unable to produce the documentation for review by the Committees in the approved meeting time, and corresponding increases in backlogs and response time.

52. The 2020 proposed budget included the internal redeployment of some funds, which were reduced by 10 per cent in the approved budget, to supplement the resources for the travel of the expert members of the treaty bodies. The intention was to partially mitigate the potential need to postpone scheduled treaty body sessions due to insufficient funds to cover the participation of the expert members. The situation arose in 2019 as a result of the decision of the General Assembly to reduce by 25 per cent all travel of high-level representatives in the biennium 2018–2019, and although the reduction was averted thanks to an exceptional stopgap to enable the remaining sessions of the Committees to proceed as planned, other mandated activities had to be cancelled or postponed owing to insufficient resources, including two of the scheduled visits of the Subcommittee on Prevention of Torture.

53. Going forward, there has been a small increase in the number of States parties submitting reports, while the number of individual communications received has increased by 80 per cent compared with the prior reporting period. Under the existing framework, the meeting time needed to address these changes would thus increase from 57 weeks to 58.7 weeks for States party reports and increase from 16 weeks to 24.9 weeks for individual communications (annexes XX to XXII), and this would be reflected in the proposed programme budget for 2021. However, OHCHR is cognisant of the fact that, in the current circumstances, it will be challenging for the Organization and the Committees to accommodate such increases in meeting time. Furthermore, increases in meeting time alone, without the corresponding staff support, would not resolve the challenges faced by the treaty body system in keeping up with the demands placed upon it.

54. During the period under review, the shortfall in resources for the work of the Committees was exacerbated by the overall liquidity situation of the Organization and is expected to continue in 2020 and possibly beyond. Short-term solutions cannot solve the underlying structural issues. Other sustainability measures will need to be envisaged and to be based on actual or projected workload, in order to make the work of the Committees more predictable and the funding sustainable.

V. Remaining challenges

55. The biggest challenges facing the treaty body system in the course of the biennium 2018–2019 were the 25 per cent reduction in the resources for the travel of the expert

members and the decision not to provide the staffing identified as necessary to prepare the documentation of the Committees for review. The reduction in travel has an impact on the ability of the Committee members to participate in their scheduled sessions or to undertake missions to States in accordance with their mandates, despite months of planning and consultations, with consequential weakening of the effective protection of human rights under the treaty body regime. Insufficient staff support has the concrete impact of postponing State party reviews, the consideration of individual communications, urgent actions, inquiries, country visits and follow-up or requests for further information relevant to the implementation of the treaties. Postponing sessions would lead to the creation of a new reporting backlog, reversing the progress made since the adoption of resolution 68/268. It would also mean that the time taken between the receipt of an individual communication alleging human rights violations and the decision taken by the relevant Committee could be prolonged even further. The impact of postponing visits of the Subcommittee on Prevention of Torture is a decrease in the number of visits of the Subcommittee, whereas ratifications will continue to increase, which arguably runs against the stated intention of the treaty to establish a system of regular visits to the States parties to prevent torture. The overall work of the Committees is disrupted, with reputational risks to their longer-term sustainability and effectiveness.

56. Another challenge is the increase in the number of mandated activities of the Committees in relation to urgent actions, inter-State communications, inquiries or visits. Such increases have not been accompanied by the commensurate financial and human resources to enable the system to function in an optimal way since 2015. In order to better evaluate the needs of the Committees and the human resources requirements of OHCHR, a workload analysis and the human resources implications was undertaken during 2019 by external consultants. The conclusions set out in the report prepared by the consultants and posted on the OHCHR website point to the need for an additional 17 full-time staff members to accomplish the various tasks associated with the mandated activities of the Committees.

57. Sufficient regular budget resources and adequate staffing support for all the mandated activities are vital for the continued viability of the treaty body system. In addition, there is a need to create an agreed, predictable schedule of State party reviews that will be posted on a common webpage, with links to the relevant documentation and deadlines for all stakeholders, so as to allow for the coordination of reviews of any single State party by more than one Committee and thereby reduce unnecessary duplication or repetition. There is also an urgent need for the Secretariat to increase efficiency by upgrading current systems, processes and tools through the use of information and communications technologies that make information and interfaces accessible, transparent and user-friendly, including for persons with disabilities. In addition, there is a pressing need, with regard to individual communications and urgent actions, to create a robust case management system for submitting/receiving individual communications and urgent actions that would facilitate the automatic exchange of correspondence among the parties, track the different stages of the procedures electronically, upload decisions automatically and have a searchable database that includes both recommendations arising from concluding observations and individual Committee decisions pertaining to individual communications, urgent actions, inter-State communications and inquiries.

58. The experience of the capacity-building programme so far has shown that supporting least developed countries, landlocked developing countries and small island developing States in their compliance with reporting obligations represents a different type of challenge. There is a need to further simplify the reporting processes, through wider use of the simplified reporting procedure, without compromising the qualitative depth and analysis of the State party review. There is also a need to focus

on building long-term capacities at the national level by institutionalizing structures and processes that can also be helpful in terms of compliance with reporting obligations under other international treaties or commitments. Stakeholders both within the treaty body system and in civil society see clear potential for increased effectiveness and efficiency by bringing States party reviews closer to Governments and rights-holders, through greater use of remote participation and/or by undertaking reviews in the regions concerned.

59. Pursuant to General Assembly resolution [68/268](#), States parties are encouraged to give due consideration, in the composition of the Committees, to diversity in terms of gender, geography, background, expertise, representation of different forms of civilization and principal legal systems, as well as the participation of persons with disabilities. This continues to be a challenge for some Committees, however. In some Committees there are only two members who are of a different gender from the others (annex XXIII). Open and competitive national policies or processes to select candidates before they are nominated for election, as also encouraged by the Assembly in the resolution, remain the exception. The practice of States presenting “clean slates” – meaning an equal number of candidates for the positions to be filled – does not encourage a competitive election process. There is currently no transparent process to evaluate the merits of the nominated candidates.

VI. Emerging ideas for 2020 and proposals

60. In the approach to the 2020 review, States, Committees, experts, civil society, academia and OHCHR have engaged in the discussions on further improving and strengthening the treaty body system. Many proposals have been put forward to address the various challenges that the treaty body system continues to face. Recent examples include the report of the Academic Platform on Treaty Body Review 2020, coordinated by the Geneva Academy of International Humanitarian Law and Human Rights, and submissions of States, national institutions and civil society, with proposals that include clustering and coordinating the State party reviews in a predictable way, undertaking reviews in the regions and maintaining the status quo.

61. At their June 2019 session, the 10 Chairs of the Committees agreed on a position paper on the future of the treaty body system (see [A/74/256](#), annex III). The position paper builds on the achievements made under the parameters of General Assembly resolution [68/268](#) in order to further strengthen the treaty body system. The proposals by the Chairs to their respective Committees are implementable over a period of one to two years, provided that there is support from the Committees, OHCHR and other relevant departments of the United Nations Secretariat. The Chairs aim to streamline reporting and align procedures, including by offering the simplified reporting procedure to all States for periodic reports on the basis of a standard list of issues prior to reporting and introducing, on progressive basis, a coordinated schedule of country reviews in accordance with fixed cycles. They aim to reduce unnecessary duplication, to limit, in principle, the list of issues prior to reporting to 25 questions, to coordinate the list to ensure that the dialogues are comprehensive and that substantively similar questions are not raised in the same period. The Chairs also agreed that there were considerable benefits to having small delegations, composed of some Committee members, conduct dialogues with States parties at the regional level, while the recommendations would continue to be adopted by the Committee as a whole.

62. The Chairs agreed that the two Committees established by the International Covenants – the Human Rights Committee and the Committee on Economic, Social and Cultural Rights – would seek to review countries on an eight-year cycle and to

synchronize the timing of the reviews. The Human Rights Committee has introduced a predictable schedule of country reviews and offers the simplified reporting procedure as an opt-out procedure. The other Committees that review State party reports will review countries on a four-year cycle, or as mandated by their respective treaties. Some Committees are already coordinating their list of issues prior to reporting, the list of issues and/or the concluding observations, and are coordinating with the State party the timing of the reviews before two or more Committees.

63. In parallel to the position paper of the Chairs, Costa Rica, with the endorsement of more than 45 States, submitted a non-paper⁶ highlighting 20 elements for the upcoming review. There is convergence with the position paper of the Chairs on a number of elements, such as having a predictable calendar coupled with the simplified reporting procedure, coordinating the issues among Committees prior to dialogues, harmonizing working methods, having more measurable, achievable and focused recommendations, and the availability and predictability of resources to fund the system.

64. A group of civil society organizations⁶ has proposed a fixed eight-year review cycle for comprehensive reviews of States parties that alternates with more focused reviews every four years. Other groups of stakeholders have urged that the forthcoming review be carried out in an open and transparent way, ensuring the participation of all stakeholders.⁶

VII. Conclusions and recommendations

65. **The present report will be the last update before the 2020 review of the treaty body system. The formula agreed to in General Assembly resolution 68/268 was a landmark achievement, which should be maintained. The treaty body system needs to be sufficiently funded in a sustainable manner from the regular budget so that equal and optimal attention and support can be provided to the Committees in order for them to be able to fulfil their respective mandates.**

66. **The 2020 review provides both an opportunity and a challenge in terms of meeting the expectations of all stakeholders with regard to further strengthening the treaty body system in an open, inclusive and transparent way. As the schedules for review by the Committees become more predictable and the Committees make greater use of the simplified reporting procedure, the meeting time and corresponding resources will need to adapt accordingly. It will be essential to maintain a clear and consistent formula to assess the resources necessary, especially in terms of staff support, in order to undertake the mandated activities of the Committees. The particular requirements of the Subcommittee on Prevention of Torture and the Committee on Enforced Disappearances must also be taken into account in order to ensure an adequate allocation of financial and human resources based on ratifications, the number of visits, meeting time, corresponding staff support, conference servicing and documentation needs.**

67. **The needs of least developed countries, landlocked developing countries and small island developing States must be taken into account when considering the reporting requirements of the treaty body system so that they can fulfil their reporting obligations through simplified reporting processes and participate in dialogues held with the Committees in the regions or via videoconference. They**

⁶ See www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

also need to be able to benefit from technical cooperation assistance to meet reporting obligations.

68. Important efficiencies would be achieved by upgrading current systems and processes to review States parties through greater use of information and communications technology, such as creating a common interactive webpage that would allow relevant information and documentation for scheduling and coordinating State party reviews to be easily and readily accessible, thereby reducing unnecessary duplication for States that report to more than one Committee. All online tools need to be accessible, transparent and user-friendly, including to persons with disabilities. In that regard documentation in plain language and easy-to-read formats should be made available expeditiously.

69. For individual communications and urgent actions there is a pressing need to implement a robust case management system to receive and exchange relevant documentation between the parties, track the progress of the procedures and upload decisions automatically on a searchable database.

70. Urgent actions, inquiries, inter-State communications, requests for further information relevant to the implementation of the treaties and general comments or recommendations remain underfunded. It is now necessary to objectively assess all the mandated activities since they require sufficient funding on the basis of actual workload.

71. It is critical to ensure that Committee experts meet the highest level of recognized competence and expertise in the field of human rights and that they be of high moral standing and independent. Due consideration must also be given to equitable geographic distribution, the representation of different forms of civilization and the principal legal systems, balanced gender representation, and the participation of experts with disabilities. National competitive selection processes for the nomination of Committee experts, and/or other independent vetting processes, would be a major step towards ensuring that nominated candidates best fulfil the highest standards of competence, expertise and independence that are necessary for the treaty bodies to best discharge their protection functions. The practice of States to present “clean slates” should be strongly discouraged in order to increase the likelihood of candidates being elected on their own merits.

72. The operation and practice of the treaty body system is continuously evolving. In order to maximize synergies within this complex system, the Committees, and in turn the States parties, would benefit from time and space to discuss emerging good practices and methodologies in relation to working methods and procedural matters, in preparation for the meeting of Chairs to maximize the overall coherence of the system.