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Promotion and protection of human rights: implementation of human rights instruments

Letter dated 14 September 2020 from the Permanent Representatives of Morocco and Switzerland addressed to the President of the General Assembly

As mandated by your letter of 8 April 2020 to all Permanent Representatives and Permanent Observers to the United Nations and pursuant to paragraph 41 of General Assembly resolution [68/268](#) by which the Assembly decided to consider the state of the human rights treaty body system by 2020 and to review the effectiveness of the measures taken in this regard, we have undertaken informal consultations with Member States, in both New York and Geneva, as well as with the Office of the United Nations High Commissioner for Human Rights, the treaty bodies and all other relevant stakeholders, such as civil society and national human rights institutions.

In line with our mandate, we have the pleasure to submit to you our report (see annex), in which we seek to reflect the views expressed during this consultation process, together with our findings and recommendations. We would like to underline that the issues highlighted in our report are put forward without prejudice to their importance and without being exhaustive. While the consultation process allowed a full and substantive discussion on several issues, including those highlighted in our report, there are other aspects of the work of the treaty bodies that also require further discussion.

Throughout the process, inclusivity and transparency have guided our work. Owing to the coronavirus disease (COVID-19) pandemic, we adopted hybrid modalities for the working methods, with virtual informal consultations in New York and in-person consultations in Geneva. The latter were also open for online participation. A full list of our informal consultations and other meetings, with a link to the United Nations Web TV site, is attached to the report (see annex).

On the basis of the results of the consultations, we came to the conclusion that a follow-up process is most appropriate for achieving the goal of strengthening and enhancing the effective functioning of the human rights treaty body system. Such a process would allow discussions on all relevant topics and further exchanges on the proposals made during the consultations in order to find a common landing zone that ultimately leads to a concrete outcome, where efforts towards consensus should be pursued. Besides the reaffirmation of resolution [68/268](#), such an outcome should



complement that resolution as necessary, reflecting the findings and recommendations outlined in the report.

We wish to thank you for your trust and for the support that we have received from your Office throughout the process. We would also like to express our gratitude to the Office of the United Nations High Commissioner for Human Rights for its support. Finally, we thank all interlocutors during the process for their constructive spirit, cooperation and support.

We would be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 126 entitled “United Nations reform: measures and proposals”.

(Signed) Omar **Hilale**

Ambassador

Permanent Representative of the Kingdom of Morocco
to the United Nations

(Signed) Pascale **Baeriswyl**

Ambassador

Permanent Representative of Switzerland to the United Nations

**Annex to the letter dated 14 September 2020 from the Permanent
Representatives of Morocco and Switzerland addressed to the
President of the General Assembly**

**Report on the process of the consideration of the state of the
United Nations human rights treaty body system**

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I. Introduction

1. On 9 April 2014, the General Assembly adopted resolution [68/268](#), entitled “Strengthening and enhancing the effective functioning of the human rights treaty body system”, by which, in paragraph 41, it decided to consider the state of the human rights treaty body system no later than six years from the date of adoption of the resolution, to review the effectiveness of the measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

2. On 8 April 2020, the President of the General Assembly, Tijjani Muhammad-Bande, appointed the Permanent Representative of the Kingdom of Morocco to the United Nations, Omar Hilale, and the Permanent Representative of Switzerland to the United Nations, Jürg Lauber, as co-facilitators to lead the process of the consideration of the state of the human rights treaty body system, in accordance with resolution [68/268](#). Following the end of the term of office of Mr. Lauber as Permanent Representative of Switzerland to the United Nations in New York, the President of the General Assembly appointed, on 9 July 2020, the Permanent Representative of Switzerland to the United Nations, Pascale Baeriswyl, as the co-facilitator of the process.

II. Mandate and work of the co-facilitators during the seventy-fourth session of the General Assembly

3. In his letter appointing the co-facilitators, the President of the General Assembly requested the co-facilitators to undertake informal consultations with Member States, in both New York and Geneva, with contributions, as appropriate, from the Office of the United Nations High Commissioner for Human Rights (OHCHR), from the treaty bodies, and from other relevant stakeholders. He further requested the co-facilitators, taking into account the views expressed during the process, to submit a report to him before the end of the seventy-fourth session of the Assembly, outlining recommendations for consideration, so as to assess and decide, if appropriate, on further action to strengthen and enhance the effective functioning of the human rights treaty body system.

4. Owing to the coronavirus disease (COVID-19) pandemic, the co-facilitators adopted hybrid modalities for their working methods for this process. Under the restrictions on the holding of in-person meetings at Headquarters, the informal consultations in New York needed to be conducted virtually. Given the development that in-person meetings in Geneva were possible again, the informal consultations with Member States in Geneva, as well as with all other relevant stakeholders, were held in a hybrid format, that is to say with in-person and online participation. In order to ensure full transparency, the meetings with the Member States in New York and Geneva, as well as with the representatives of civil society and national human rights institutions, were webcast so that everybody could follow them (see annex).

5. The process was formally launched by the co-facilitators during a first meeting held on 2 June 2020 (virtual). The meeting was marked by the participation of the President of the Assembly and the United Nations High Commissioner for Human Rights, Michelle Bachelet.

6. During the meeting, the co-facilitators outlined their vision of the process and its timeline. In this regard, the co-facilitators indicated that their work would be guided by the principles of inclusivity, that is to say the involvement of all the relevant actors, and transparency, ensuring that information is shared with and accessible to

everyone at all stages of the process. This is key for a successful outcome in order to contribute to the strengthening of the treaty body system and to improve its efficiency.

7. The launch meeting was followed by a technical expert level briefing on the treaty body system, organized jointly with OHCHR, on 4 June 2020 (virtual). The briefing provided basic information on the treaty body system, the history of its review, its current status and the implementation of resolution [68/268](#).

8. The formal process led by the co-facilitators comprised three phases:

(a) **Call for written contributions.** On 17 June 2020, the co-facilitators launched a call for written contributions from all the relevant actors on their assessments of the treaty body system and their vision for the strengthening of the system. The co-facilitators received 90 submissions, of which 55 were received on behalf of States (including 2 joint submissions by States, namely the African Group and the European Union), 35 from other relevant stakeholders, including 22 from civil society organizations (including 4 joint submissions by multiple non-governmental organizations (NGOs)), 6 from national human rights institutions and 7 from United Nations experts. This high number of contributions from all regions of the world shows the interest in strengthening the treaty body system and the importance of this topic.

(b) **Informal consultations.** Informal consultations were organized with all the relevant actors, both in New York and Geneva. The co-facilitators conducted:

(i) Informal consultations with Member States in New York on 27 July 2020 (virtual) and with Member States in Geneva on 28 August 2020 (hybrid). Owing to the large number of speakers during the latter, an additional expert level meeting with Member States in Geneva was organized on 2 September 2020 (virtual). The meeting in New York addressed the areas of: the use of new information and communications technologies; nomination and selection process of treaty bodies members; technical cooperation and capacity-building; budgetary issues; interaction with different actors (including civil society, national human rights institutions and regional actors); and individual communications. The meetings in Geneva discussed the issues of: simplified reporting procedure; harmonization and working methods; aligned methodology for constructive dialogue; fixed calendar; and the periodicity of the human rights treaty bodies sessions and concluding observations and recommendations, including their follow-up.

(ii) A meeting with the Chairs of the treaty bodies on 28 July 2020 (virtual), during which they expressed their views on a wide array of issues, such as the content and the implementation of the proposals contained in the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system ([A/74/256](#), annex III) of June 2019, in particular: the alignment of working methods, including coordination between treaty bodies; and simplified reporting procedure; regional engagement; predictable reporting cycle; individual communication; accessibility and interaction with different actors; budget and resource issues and digitalization.

(iii) A meeting with the United Nations High Commissioner for Human Rights and her team in Geneva on 28 August 2020, during which several areas were discussed, such as: digitalization; budget and resource issues; predictable review cycle and fixed calendar; alignment of working methods; regional engagement; election of treaty body members; and accessibility.

(iv) A meeting in Geneva on 28 August 2020 with all other relevant stakeholders, including civil society and national human rights institutions. The meeting was accessible to participants from all over the world and participants discussed measures to strengthen the effectiveness and efficiency of the treaty body system,

such as: alignment of working methods, including simplified reporting procedure; constructive dialogue; observations and recommendations and their follow-up; periodicity of the human rights treaty bodies sessions and fixed calendar; the use of new information and communications technologies; accessibility; working in the region as well as technical cooperation and capacity-building; nomination and selection process of treaty body members; and budgetary issues.

(c) **Reporting.** The co-facilitators organized a wrap-up meeting on 11 September 2020 (virtual), during which they presented their assessment of the process, as well as their main findings and recommendations, which are contained in the report of the co-facilitators. In accordance with their mandate, the co-facilitators submitted the present report to the President of the General Assembly on 14 September 2020.

9. In total, 178 participants attended the consultation for Member States in New York on 27 July 2020, with 93 interventions (of which two were by groups, namely the African Group and the European Union). During the consultation for Member States in Geneva on 28 August 2020, there were 108 participants (72 in person and 36 online), and during the continuation of these consultations on 2 September 2020 there were 93 participants. During both sessions in Geneva, 108 interventions were made (of which 4 were by groups, namely the African Group, the European Union, Cuba (on behalf of the like-minded group), the United States of America (on behalf of 19 States)). During the informal consultation with all other relevant stakeholders, namely representatives of civil society and national human rights institutions, on 28 August 2020, 48 participants attended (8 in person and 40 online) with 23 interventions. For the 28 August morning and afternoon meetings in Geneva, there were 1,375 live views on United Nations Web TV in 103 countries. On 2 September, there were 188 live views on United Nations Web TV in 67 countries. During the wrap-up meeting on 11 September, 162 participants attended the meeting and 23 delegations took the floor (of which one was a group, namely, the European Union).

III. Overview of issues discussed

10. The process demonstrated that there is consensus among Member States and all the other relevant stakeholders that General Assembly resolution [68/268](#) still provides an appropriate framework that would, if fully implemented, allow the treaty bodies to function more effectively. The contributions also highlighted the remaining challenges and gaps in the implementation of resolution [68/268](#) and some divergent positions on certain issues. Limited adjustments and updates are therefore necessary in the light of the written contributions and views expressed during the informal consultations of the process, as well as, inter alia, the three previous reports of the Secretary-General ([A/71/118](#), [A/73/309](#) and [A/74/643](#)) and the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system ([A/74/256](#), annex III) of June 2019. The contents of those documents have been repeatedly referred to and utilized as guiding instruments and a substantive road map for the ideas put forward by the Member States and all other relevant stakeholders.

11. The issues highlighted in the present report garnered particular attention during the process and were all discussed in depth. They are put forward without prejudice to their importance and without being exhaustive. The analysis on each reflects the views of Member States, treaty body members, OHCHR and all other relevant stakeholders, such as civil society and national human rights institutions, expressed in the written contributions and during the informal consultations. The co-facilitators formulated their findings and recommendations on the basis of these positions.

A. Use of information and communication technologies

12. The COVID-19 pandemic has drawn everyone's attention to the need to strengthen the capacity of the treaty bodies to engage and interact online. It also creates a momentum to tackle longstanding issues regarding a digital shift in the work of the treaty body system.

13. The vast majority highlight that digitalization offers considerable potential for increased efficiency of the treaty bodies and interaction with all relevant stakeholders.

14. Concerns have been raised, however, because of the digital divide between countries, persons with special needs, the requirement in certain aspects of treaty body work for confidentiality, stakeholders' safety online and, last but not least, the time zones (see chap. III).

15. While some have spoken in favour of online State reviews, others have raised concerns about such reviews, and some consider that heightened digitalization does not imply that treaty bodies have a mandate to review States parties in absentia.

16. There is consensus that a digital shift in the work of the treaty bodies does not mean that all their activities can or should move online: in-person interaction remains a crucial component of the work and cannot be replaced as such.

17. The co-facilitators have further been encouraged that a dedicated project should be established to enable the use of digital technology by treaty bodies, in accordance with their needs, taking into account the needs of developing countries. In addition, sharing and learning from experiences among treaty bodies and planning forthcoming activities, including practical issues concerning functionalities or the availability of online platforms, should be continued.

18. With regard to the online work of treaty body experts, there is a proposal that the United Nations should assess the time that treaty bodies spend online to fulfil their mandates, and the costs involved, with a view to determining an appropriate level of compensation for costs incurred and participation in remote meetings under existing rules, properly adapted to the online situation. In this respect, it is suggested that an expert who resides at the place of the meeting receive a daily subsistence allowance at 20 per cent of the usual rate for each full day of attendance, to cover incidental expenses.

19. It is the view of the co-facilitators that there is a clear need to keep pace with the new technological developments to increase the efficiency, transparency and accessibility of the treaty body system. However, online work should not replace in-person interaction altogether. Therefore, the co-facilitators recommend accelerating the digital shift, including by considering online and hybrid models for treaty body activities where such modalities could be used. Such a digital shift and related budget questions require further discussion by Member States, OHCHR and the treaty bodies.

1. Individual communications

20. The United Nations treaty body system is one of the few human rights mechanisms receiving individual complaints that still does not have a modern, digital case management system or an online submission platform.

21. The consultations have shown strong support for the standardization and centralization of communications management. A digital shift, with a single case management system and clear admissibility criteria, would enhance the efficiency and transparency of the system. The introduction of a case management system for the Petitions Team of OHCHR, accompanied by an online submission platform – where

both States and petitioners can access information about the progress of the communications – would provide immediate improvements to the benefit of all parties involved in the litigation of individual cases before the treaty bodies. Furthermore, the individual communications system would benefit from the allocation of appropriate financial, human and technical resources to the Petitions Unit to enable it to more systematically manage the growing number of communications that it receives, and at the same time reduce the existing backlog.

22. The co-facilitators believe that there should be investment to set up a digital case management system for individual communications and urgent actions for the parties to submit, access and track relevant information, including on the status of a case.

2. Nomination and selection of treaty body members

23. The majority underline the importance of preserving and strengthening the independence and impartiality of treaty body members and ensuring diversity in terms of gender, geography, background, expertise and the representation of different forms of civilization and principal legal systems, as well as the participation of persons with disabilities.

24. A number of submissions recall the importance and value of compliance with the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines). They have also taken a stand against the establishment of a code of conduct.

25. Some contributions underline that the nomination and election process needs to remain within the sovereign prerogative of States parties. They highlight that the neutrality of the Secretariat in preparing information concerning the election of the human rights treaty body members should be preserved and encouraged. They also support creating a code of conduct for treaty bodies that aims to define standards of professional conduct and ethical behaviour in discharging the mandates of the treaty bodies. Others propose placing a limit on the number of times that a member's term may be renewed.

26. A large number of contributions consider the improvement of the process of nomination and election of experts to the treaty bodies to ensure transparency and the nomination of highly qualified experts. They recommend the setting up of an open and transparent centralized web-based electoral platform. Such a website could serve for the selection process and could provide Member States with an overview of all candidates and their expertise.

27. Some contributions provide details on how to ensure gender parity in nomination processes, as well as on comparative analyses of nomination and election procedures across international and regional human rights courts and mechanisms.

28. Further suggestions include: the use of a similar approach to that applied for the special procedures, in allowing experts to self-nominate, rather than the requirement for States to nominate potential candidates; the holding of interactive dialogues and hearings; and that OHCHR could offer technical assistance for the development of guidelines or mechanisms for the selection of treaty body members.

29. The importance of the independence and impartiality of members of the treaty bodies was reaffirmed. It is therefore the view of the co-facilitators that States and all other stakeholders should recommit to fully respecting the independence of treaty body members and avoiding any act that would interfere with the exercise of their functions.

30. Furthermore, the co-facilitators believe that further availability of information on all candidates to the treaty bodies would improve the current process of the nomination and election of experts. Therefore, the co-facilitators recommend to consider of the value of an open and transparent web-based electoral platform to evaluate the merits of treaty body candidates and to ensure that due consideration is given to independence and impartiality, as well as 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.

B. Alignment of working methods and rules of procedure

31. The growth of the treaty body system and the establishment of the universal periodic review have led to an exponential growth in the number of reports to be submitted. Given the diverging rules and practices of the different treaty bodies, it is often difficult for States parties, civil society representatives, national human rights institutions and for the victims of human rights violations themselves to find their way around in the treaty body system.

32. The vast majority of the contributions welcome the alignment of working methods and rules and procedure and more coordination across treaty bodies, required in order to streamline the discussions and to avoid unnecessary repetition, overlap and work, both for the reporting States and the treaty bodies. Many specifically support that further alignment efforts are in the Chairs' capacity.

33. Some contributions indicate that working methods cannot be identical, as their nature and legal basis differ greatly.

34. Among the different issues tackled in this regard, there seems to be convergence above all regarding the beneficial value of the simplified reporting procedure, the need for a common, enhanced methodology for concluding observations and other treaty body outputs, such as lists of issues prior to reporting and follow-up recommendations, the harmonization of constructive dialogue proceedings and aligned guidelines for stakeholder participation.

35. The co-facilitators support further streamlining of working methods, avoiding unnecessary repetition and enhancing synergies. This is crucial to ensure the continued relevance and impact of the treaty bodies. It is also a financial imperative in the current circumstances of shrinking resources, aggravated by the global COVID-19 pandemic. Therefore, the co-facilitators recommend that treaty bodies accelerate the alignment of their working methods. In this regard, the co-facilitators further recommend that OHCHR could be requested to present a suggested model for rationalized, harmonized and modern working methods for treaty bodies, drawing on the views and conclusions of the consultation process, successive treaty body Chairs' meetings and lessons learned during the COVID-19 pandemic.

36. Moreover, the co-facilitators are of the view that the Chairs of treaty bodies should play a central role in further harmonizing the different treaty bodies' working methods, including by continuing initiatives to enhance coordination and planning and to share best practices across treaty bodies. The Chairs should meet more frequently, including on an online basis, and monitor the implementation of their agreed conclusions on working methods.

1. Simplified reporting procedure

37. The majority of the contributions welcome the simplified reporting procedure as an excellent way of streamlining discussions and avoiding unnecessary work, both for the reporting countries and the treaty bodies, contributing to a more focused and constructive dialogue. Expansion of this method of work could be considered for all monitoring mechanisms and all reporting cycles other than the initial report required under a treaty. In addition, coordination would be needed between treaty bodies regarding their lists of issues prior to reporting, in order to avoid overlap.

38. A number of submissions encourage the co-facilitators to explore means of building on the progress related to the simplified reporting procedure, including that all treaty bodies offer the simplified reporting procedure to all States parties and by making “opt-out” simplified reporting universal across the treaty bodies.

39. In addition, several of the contributions note that a systematic use of the simplified reporting procedure would have resource implications, as it requires additional staff support to undertake the preparatory drafting of the list of issues prior to reporting. These submissions therefore recommend additional supporting staff within the Secretariat for the universal use of the simplified reporting procedure.

40. While acknowledging the introduction of the simplified reporting procedure, some submissions consider that the simplified reporting procedure should remain optional for States parties. According to this view the simplified reporting procedure may deviate from the original objective of the treaties, leading to excessive attention to specific issues or details.

41. It is the view of the co-facilitators that the simplified reporting procedure improves the efficiency of the treaty body system. Therefore, the co-facilitators believe that all the human rights treaty bodies should be encouraged to offer the simplified reporting procedure to States parties and to make the simplified reporting procedure the default procedure for periodic reports, and if the treaty body concerned so decides, for initial reports, from which States parties can opt out. Furthermore, the number of questions in the list of issues prior to reporting should be limited on the basis of a standard methodology, to be elaborated in collaboration with OHCHR to enhance coordination, complementarity and to reduce unnecessary duplication.

2. Aligned methodology for constructive dialogue

42. Currently, significant variations exist with regard to the methodology applied by treaty bodies in the conduct of constructive dialogue with States parties.

43. In this regard, it has been specifically emphasized in most contributions that treaty bodies should adopt an aligned methodology for constructive dialogue between States parties and treaty bodies to maximize the use of the time available, to allow for a more interactive and productive dialogue and to facilitate the preparation of the State prior to the dialogue, including to coordinate with other international human rights mechanisms such as the universal periodic review.

44. The co-facilitators believe that the treaty bodies should be encouraged to adopt an aligned methodology for the constructive dialogue between States parties and treaty bodies, bearing in mind the variations among the Committees.

3. Aligned methodology for concluding observations and follow-up recommendations

45. The vast majority recognize the treaty bodies’ need to continue their efforts to improve their concluding observations by making them more focused, short, concrete,

targeted, measurable and implementable. There is a strong need to focus on priority concerns, and to make concluding observations more user-friendly for States parties as well as for all other stakeholders. An aligned methodology for concluding observations should be developed, such as common guidelines.

46. Other suggestions consider that treaty body recommendations could be better linked, less numerous and more prioritized, better coordinated with the universal periodic review and, when possible, with country visits of special procedures. They need to be well founded and well informed, which reinforces the need for supplementary information from civil society. Furthermore, the implementation of recommendations would benefit from expanded, institutionalized follow-up at the national level, such as through the introduction or strengthening of national mechanisms for reporting and follow-up.

47. The co-facilitators consider that further steps can and should be taken to ensure that concluding observations and follow-up recommendations are short, focused, concrete, prioritized, implementable, balancing immediate with longer terms priorities and objectives and to this end, set up common guidelines.

4. Aligned modalities for stakeholder interaction

48. There is general support for efforts of the treaty bodies towards an aligned approach and common guidelines for engagement with civil society and national human rights institutions. This would facilitate greater transparency and clarify the modalities for stakeholder interactions with the treaty body system as a whole. In this regard, digitalization and new technology platforms can be useful. Furthermore, it has been stated that harmonized efforts should include the issue of reprisals as defined in the Guidelines against Intimidation or Reprisals (San José Guidelines) and their coordinated and coherent implementation by all treaty bodies.

49. It is the view of the co-facilitators that an aligned model of interaction between treaty bodies and civil society organizations, as well as national human rights institutions, would be beneficial for all stakeholders. In this regard, the co-facilitators acknowledge the efforts already made and invite the exchange of relevant best practices among all treaty bodies.

C. Fixed calendar and periodicity of the human rights treaty bodies sessions

50. The current uncoordinated process can make domestic planning and engagement difficult. In this regard, a comprehensive calendar could address multiple challenges facing the reporting process established under the treaties. It also aims to provide certainty and increased efficiency for States parties in terms of scheduling the review of their reports and reduce the need for the treaty bodies to continually request additional meeting time. The fixed nature of the comprehensive calendar is its most important feature, providing for predictability and stability in reporting for both States parties and treaty bodies. Additionally, it allows for the efficient use of resources by the treaty bodies.

51. The consultations have demonstrated that the development of a predictable review cycle and, to the extent possible, a coordinated, fixed and multi-year calendar for all the Committees is a desirable feature of any future format of the human rights treaty body system. A master calendar should be coordinated across all Committees and include the due dates for States parties' reports and the dates for the constructive dialogue. One of the major advantages stated of a predictable review cycle is that it would enable both the Committees and the States parties to plan properly, which

potentially reduces the lack of reporting. Greater coordination would further assist States parties by ensuring, where possible, that appearances before different treaty bodies and the universal periodic review do not overlap.

52. It was also stated that there are notable exceptions such as the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Committee on Enforced Disappearances, which do not follow the same logic of regular State reporting, but for which further establishment of fixed reporting schedules and their coordination across the system is nevertheless required.

53. Different modalities are put forward, such as alternating between full and focused reviews, which may consist of an in situ visit, but overall, many contributions express their support regarding the eight-year predictable review cycle for the two Covenant Committees.

54. Some have expressed reluctance at the idea of spacing out reviews by all treaty bodies to as much as eight years and some others go as far as suggesting longer cycles of 10 years.

55. Some contributions question the need for a fixed calendar, because of the additional expenses it might entail and uncertainties about its practicality, as well as the unnecessary pressure on States that cannot comply with their reporting obligations within that global calendar. This includes the issue of how such a calendar would address non-reporting and the review of States in absentia. They believe that a reporting schedule already exists for each Committee.

56. The co-facilitators are of the view that, in order to better inform the discussions and with the aim of increasing reporting compliance to its fullest extent, OHCHR could prepare, in coordination with the treaty bodies, a proposed schedule and estimated costing for predictable review cycles. The aim of such a calendar should be to maximize synergies between reviews and take into account the resource constraints of States parties, including those of small States, small island developing States and the least developed countries. The scheduling of States' reviews by OHCHR should also factor in other reporting obligations, including to the universal periodic review.

D. Accessibility by different stakeholders

57. The effective engagement of civil society, national human rights institutions and other relevant stakeholders with the treaty body system is hampered by numerous factors, including the fact that each treaty body has different rules of engagement. The consultations have underlined that it is fundamental to ensure accessibility for all participants, including persons with disabilities, whether they are Committee members, government delegates, civil society representatives, national human rights institutions or United Nations staff. Furthermore, the regional aspect, that is to say, the organization of reviews in the regions, as well as treaty bodies' engagement with regional organizations and human rights mechanisms, is another important issue in this regard.

1. Civil society, national human rights institutions and academic platforms

58. The vast majority value the integral role that civil society, national human rights institutions and academic platforms play in the engagement with the treaty bodies by providing information, creating awareness, ensuring transparency and accountability, including by following up on the implementation of recommendations. It is therefore important that accessibility for civil society, human rights defenders and national

human rights institutions is ensured, while guaranteeing the safety of all those interacting with the treaty bodies.

59. One of the improvements regarding accessibility most frequently mentioned is greater investment in and the use of technologies to increase the accessibility and transparency of the treaty bodies. Suggestions include systematic webcasting of all treaty body sessions and the use of virtual collaboration tools to carry out broader civil society consultations, as well as the improvement of channels of communication, such as the treaty bodies' websites. This would allow representatives of civil society and national human rights institutions with limited resources to engage with the Committee by participating virtually. It would also lead to a greater degree of witness protection by allowing witnesses and human rights defenders who fear reprisals to give testimony without revealing their location or from a place of relative safety.

60. It has also been stated that it is necessary to take stock of the methodology for receiving civil society documents, which are published only a few weeks or even days before the constructive dialogue. According to those contributions, this gives States little time to prepare and raises the question of whether such information should be verified, especially when it is not in line with official information provided by the State party.

61. Others have noted the impact of the use of only three United Nations official languages on accessibility and interaction with civil society representatives.

62. It is the view of the co-facilitators that OHCHR should undertake measures to enhance the visibility and accessibility of the treaty body system, such as facilitating digital interaction with stakeholders by online tools. Furthermore, based on the general agreement that no individual or organization should suffer reprisals, the treaty bodies and OHCHR should take all measures to address reprisals consistently (see also chap. II, sect. 4).

2. Persons with disabilities

63. The consultations have shown that there are specific challenges and obstacles for experts with disabilities, as provisions for accessibility for persons with disabilities are available only for formal in-person meetings of the Committee on the Rights of Persons with Disabilities. Experts with disabilities require in addition special assistance to connect to online platforms that are not accessible for persons with disabilities.

64. Suggestions include, inter alia:

(a) All related documents and information are also provided in plain English and Easy-Read as well as in formats accessible to screen-readers' software.

(b) All meeting rooms are physically accessible and the room settings are easy to navigate.

(c) Funding across the treaty bodies needs to be provided to ensure accessibility for persons with disabilities in the work of treaty bodies on an equal footing with others.

65. The vast majority consider that any online collaboration must ensure accessibility for people with a disability and speakers of different languages, including sign-language interpretation and captioning on webcast. The platforms must therefore be easy to use.

66. The co-facilitators strongly believe that any digital shift has to take into consideration the special needs of people with disabilities.

3. Reviews in the regions

67. Several contributions support the enhanced promotion of a regional dimension in the work of the treaty bodies. This includes treaty bodies' engagement with regional mechanisms, as well as organizing reviews of States in the region, for example at the United Nations regional offices, in order to be closer to national stakeholders and rights holders and to achieve mutual enhancement, complementarity and synergies between regional and international human rights mechanisms and institutions. This would give the treaty body system greater visibility and strengthen the system by fostering a stronger sense of universal ownership. Given the current global situation, it was also specified that conducting reviews at the regional level requires a flexible approach.

68. A few have taken a stand against reviews in the region, however, and the interaction between the treaty bodies and other human rights mechanisms, including regional mechanisms, raising concern regarding mandate- and budget-related issues.

69. The co-facilitators acknowledge the positive value of introducing reviews in the regions as an important step towards increased domestic stakeholder accessibility, enhanced visibility of the treaty body system and closer interaction with national and regional human rights system. Therefore, the co-facilitators encourage treaty bodies' engagement with United Nations Member States at the regional level. This could include, inter alia, organizing reviews of States at the United Nations regional offices, follow-up webinars on concluding observations and sharing good practices on follow-up to recommendations.

E. Capacity-building and technical assistance

70. There is a call for further strengthening of the role of OHCHR in supporting the treaty body system and providing technical assistance for capacity-building. The capacity-building programme could prioritize assisting States with submitting reports and, whenever necessary, with establishing new or strengthened national mechanisms for reporting and follow-up.

71. A number of submissions underline the need to ensure that the provision of technical assistance and capacity-building is properly funded and prioritized to support States parties to build sustainable capacity for the preparation of their reports to the treaty bodies, especially for small island developing States and the least developed countries.

72. In addition, it is suggested that OHCHR should commission a thorough, inclusive, independent and publicly available evaluation of the capacity-building programme. Such an assessment should look into the relevance, effectiveness, efficiency, impact and sustainability of the programme, from the perspective of State and non-State users of the treaty bodies. The evaluation report should be made public. Any continuation or renewal of the programme should fully integrate the participation of non-State actors, including civil society and national human rights institutions.

73. It is the view of the co-facilitators that a key element for strengthening the effective functioning of the treaty body system is that it be accompanied with strengthened capacity-building. It is essential to enable developing countries and small States with limited human and technical resources to comply with their reporting obligations. In this regard, OHCHR should be adequately staffed to support capacity-building strategies such as support to developing countries, small island developing States, least developed countries and small States on their online engagement with treaty bodies and capacity-building for civil society.

F. Budgetary issues

74. For the effective functioning of the treaty body system, a long-term, sustainable solution is required to make it as efficient as possible and flexible enough to deal with a growing number of reporting, increases in ratifications and possible additions of new instruments in the future.

75. In terms of financing, there are two main views:

(a) The majority consider the funding of the treaty body system and the allocation of adequate funding a key priority, with the currently insufficient resources presenting a major challenge for both the treaty bodies and the Secretariat. According to them, the automatic allocation of resources in accordance with resolution 68/268 has not been implemented. These budgetary issues require not only the commitment of Member States to fulfil their financial obligations to the United Nations but also coordinated actions at the Fifth Committee of the General Assembly to ensure adequate funding to the Secretariat and the treaty body system. The resources formula contained in resolution 68/268 therefore needs to be adapted. Suggestions include the following:

(i) To integrate a forward-looking formula regarding the allocation of meeting time, meaning to incorporate the prospective work of treaty bodies, in the light of the decision by both Covenant Committees to move to a predictable eight-year review cycle and the prospect of other treaty bodies to move in this direction;

(ii) To integrate the mandated activities not adequately covered by the current formula, such as inter-State communications and individual communications, as well as the work of the Committee on Enforced Disappearances and the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

(iii) A clear calculation of the Secretariat resources required to support the workload identified.

(b) A number of contributions consider that the optimization of resources for the treaty bodies should not mean extra expenses. Better management of available resources by the treaty bodies themselves and by the Secretariat will lead to such optimization.

76. It is the view of the co-facilitators that the budgetary allocation and availability of resources for treaty bodies should not be subject to fluctuation as the treaty bodies deal with the implementation of the legal obligations of States, which, if interrupted, produces an immediate protection gap and impacts on individual rights directly.

77. Therefore, the co-facilitators are of the view that the General Assembly needs to provide the full allocation of resources required by the treaty bodies to effectively carry out their functions and mandates, including the need to secure the necessary support staff within the Secretariat. Furthermore, it would possibly be more appropriate to look at the funding needs of the system on the basis of the number of ratifications, and the expected compliance of States parties on a regular basis. Thus, the current funding formula of the human rights treaty body system in General Assembly resolution 68/268 should be revisited. These budgetary issues require not only the commitment of Member States to fulfil their financial obligations to the United Nations but also coordinated actions in the Fifth Committee of the General Assembly to ensure adequate funding for the Secretariat and the treaty body system.

V. Recommendations for the way forward

78. The treaty body system is a cornerstone of international human rights protection. Its relevance is beyond doubt, and the system is more needed than ever, with all the human rights challenges across the globe. The work undertaken by the treaty bodies gives life to the human rights conventions. It is thus the responsibility of the Member States, together with all relevant stakeholders, including the treaty bodies themselves, to keep the treaty body system strong and independent and to strive for more effectiveness and efficiency.

79. The process confirmed that the adoption of General Assembly resolution [68/268](#) was a milestone that has since proven its relevance. The process further demonstrated that there is consensus among Member States and all other relevant stakeholders that resolution [68/268](#) still provides an appropriate framework that would, if fully implemented, allow the treaty bodies to function more effectively.

80. At the same time, the process and the analysis in the present report also show the remaining challenges and gaps in the implementation of resolution [68/268](#) and the need for adjustment to evolving situations, as well as technical and procedural updates. In this regard, some delegations have indicated that such adjustments should be agreed upon in an appropriate intergovernmental process.

81. While the co-facilitation process allowed a full and substantive discussion on several issues, including those highlighted in section III of the present report, there are other aspects of the work of the treaty bodies that also require further discussion.

82. According to the results of the consultations, there appears to be common interest in taking further the various proposals made during the process.

83. The co-facilitators thus came to the conclusion that a follow-up process is the most appropriate way to achieve the goal of strengthening and enhancing the effective functioning of the human rights treaty body system. Such a process would allow discussions on all the relevant topics and further exchanges on the proposals made during these consultations in order to find a common landing zone that ultimately leads to a concrete outcome, where efforts towards consensus should be pursued. Besides the reaffirmation of resolution [68/268](#), such an outcome should complement the resolution where needed, reflecting the findings and recommendations outlined in the present report.
