



## International Human Rights Instruments

Distr.: General  
15 April 2019

Original: English  
English, French and Spanish only

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### Thirty-first meeting of Chairs of the human rights treaty bodies

New York, 24–28 June 2019

Item 7 of the provisional agenda

**Progress made on the alignment of working methods  
and practices of the treaty bodies, including with  
regard to the simplified reporting procedure**

### **Simplified reporting procedure: possible elements of a common aligned procedure**

#### **Note by the Secretariat**

##### *Summary*

At their thirtieth meeting, the Chairs of the human rights treaty bodies requested the Office of the United Nations High Commissioner for Human Rights to prepare, for discussion at their thirty-first meeting, a document on the possible elements of a common aligned procedure for the simplified reporting procedure, with a view to further aligning their working methods and practices. The present note by the Secretariat was prepared pursuant to that request.



## I. Introduction

1. At their thirtieth meeting, held from 28 May to 1 June 2018, the Chairs of the human rights treaty bodies welcomed the note by the Secretariat on identifying progress achieved in aligning the working methods and practices of the treaty bodies (HRI/MC/2018/3) and decided to identify possible elements of a common aligned procedure for the simplified reporting procedure (A/73/140, para. 86 (c)).
2. The General Assembly, in its resolution 68/268, encouraged human rights treaty bodies to offer to States parties for their consideration the simplified reporting procedure and to set a limit on the number of questions posed (included in the list of issues prior to reporting). In the same resolution, the Assembly also encouraged States parties to consider the possibility of using the simplified reporting procedure.
3. The simplified reporting procedure involves the preparation and adoption of a list of issues prior to reporting, to be transmitted to a State party prior to the submission of its report. The procedure is meant to assist States parties in preparing and submitting more focused reports. All of the human rights treaty bodies offer the simplified reporting procedure, except for the Committee on Enforced Disappearances, which does not have a periodic reporting procedure, and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which does not have a reporting procedure.
4. The report of the United Nations High Commissioner for Human Rights on strengthening the United Nations human rights treaty body system (A/66/860) contained a proposal for a simplified and aligned reporting process, now commonly referred to as the simplified reporting procedure, to assist States to meet their reporting obligations while improving the quality of reporting (sect. 4.2.1). Compliance by States parties with their reporting obligations to the international human rights treaties has been a long-standing challenge for the treaty body system. At their thirtieth annual meeting, the Chairs expressed concern about the large number of States whose reports were overdue and the protection gap that this created for rights holders. At the same meeting, the Chairs reiterated their call for universal ratification by States of international and regional human rights treaties and the submission of reports on time (A/73/140, para. 69).
5. The simplified reporting procedure is aimed at supporting the achievement of several objectives. In its resolution 68/268, the General Assembly encouraged States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations. The Committee against Torture was of the view that the procedure would help States parties to prepare and submit more focused reports (CAT/C/47/2, para. 3). The Human Rights Committee stated that the objective of the simplified reporting procedure was to make the reporting procedure more focused (CCPR/C/123/3, para. 4), and elaborated on what “focused” meant. As a first element, the Human Rights Committee aimed to reduce the workload associated with the system, thus making it easier for States to meet their reporting obligations. The second element was to improve the quality of the monitoring of States’ progress in implementing the International Covenant on Civil and Political Rights.
6. A two-day workshop was convened by the Human Rights Treaties Branch of the Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the Geneva Academy of International Humanitarian Law and Human Rights, on 10 and 11 December 2018. The workshop was made possible thanks to the financial support of the Permanent Mission of Germany. The closed meeting brought together up to two members from each of the nine treaty bodies that have a reporting procedure, OHCHR staff and a representative from the Geneva Academy. Various background materials were prepared in order to facilitate the discussion, with information on several aspects of the simplified reporting procedure, including: the differences in the approaches currently followed by treaty bodies in offering the procedure; which countries have been invited to follow the procedure, and which have accepted or refused; which documents and sources each treaty body uses to prepare lists of issues prior to reporting; how treaty bodies inform States

parties about the possible use of the procedure, how they refer to it and where and in what form information on the procedure is available; how and by whom lists of issues prior to reporting are prepared and adopted; whether there are guidelines on the number of questions or the word count for lists of issues prior to reporting and for concluding observations; and the time frame that applies to the procedure.

7. The overall objective of the workshop was to share the experience of those Committees that are already using the simplified reporting procedure and to identify good practices and possible elements of a common aligned procedure in order to inform the discussion of the Chairs at their next annual meeting. The workshop was driven by the Committee members, with emphasis placed on encouraging free and constructive dialogue and input, including from the members of the Secretariat who participated. Discussions were held under the Chatham House Rule. An informal summary of the discussions held during the workshop was prepared by OHCHR and is available at the OHCHR website.<sup>1</sup>

8. Three main challenges that were discussed in the workshop on the simplified reporting procedure may be highlighted. Firstly, there is the question of how to make the transition to the simplified reporting procedure, given that the preparation of lists of issues prior to reporting implies a significant increase in the workload of the treaty bodies and the Secretariat. In the long term, it is thought that greater coordination among treaty bodies and the application of a common methodology would be beneficial for States parties and stakeholders. Secondly, the co-existence of the simplified reporting procedure and the regular reporting procedure needs to be clearly thought through when scheduling State party reviews, so as to ensure that the information received does not become out of date at the time of the review due to scheduling issues. Thirdly, resources, including staff, are currently calculated on the basis of how many reports have been received in the previous years, which determines the meeting time of the Committees and how many States parties can be reviewed in the future. The so-called formula of General Assembly resolution 68/268 does not factor in the resources required for the preparation of lists of issues prior to reporting, as these precede the submission of reports. Furthermore, the formula does not account for the reviews of States parties in the absence of a report, which may arise under both procedures.

## II. Background

9. Some of the modalities of the simplified reporting procedure as used by the various treaty bodies were described in a document on identifying progress achieved in aligning the working methods and practices of the treaty bodies, as requested by the Chairs at their twenty-ninth annual meeting in 2017 and as discussed at their thirtieth meeting in 2018 (HRI/MC/2018/3, para. 8). Currently, all eight treaty bodies that offer States the simplified reporting procedure use it if an initial report has already been received. There are differences, however, in the approaches currently being followed by the treaty bodies.

10. The Committee against Torture was the first to initiate the simplified reporting procedure, in 2007. It made its initial assessment of the procedure in 2015, but the report containing the assessment of the procedure was not formally adopted by the Committee. Subsequently, all the other treaty bodies with regular reporting procedures adopted the simplified reporting procedure as an option, with some variations.<sup>2</sup> The Human Rights Committee, which had offered the procedure to States parties on a pilot basis from 2010, was the first to make an assessment of how the procedure was working. In 2017 it appointed a working group to assess whether the procedure should be adopted as a

<sup>1</sup> See [www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/Meetingchairpersons.aspx](http://www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/Meetingchairpersons.aspx).

<sup>2</sup> The Committee against Torture, the Human Rights Committee in 2009, the Committee on Migrant Workers in 2011, Committee on the Rights of Persons with Disabilities in 2013, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women in 2014 and the Committee on the Rights of the Child in 2016. See CCPR/C/123/3, para. 33.

permanent procedure of the Committee. The Committee supported<sup>3</sup> the main recommendation contained in the report of the Working Group, namely to adopt the list of issues prior to reporting as a permanent option for States. Those treaty bodies that have not yet evaluated the simplified reporting procedure should monitor its impact to draw lessons learned and share them with all other treaty bodies.

### **III. Possible elements for a common aligned procedure for the simplified reporting procedure**

11. The Secretariat prepared the following possible elements for a common aligned procedure on the basis of common elements and points of agreement that have already been identified at previous meetings of Chairs and at the latest expert workshop on the issue.

12. The following list of proposals are being put forward for the Chairs to discuss and possibly endorse (in whole or in part):

(a) **It would be useful to have an aligned methodology for the simplified reporting procedure with predictable deadlines, and a common web page for all Committees;**

(b) **The simplified reporting procedure should be offered, as a minimum, to all States parties that have submitted an initial report;**

(c) **A clear timeline should be developed to ensure the predictability of the submission deadline for replies to lists of issues prior to reporting and of the date of review of the State party report under the simplified reporting procedure;**

(d) **The entire simplified reporting procedure should be planned in advance and be well organized, and deadlines need to be respected so that all stakeholders can have the opportunity to provide the information required in advance of the drafting of lists of issues prior to reporting. There should be another opportunity to provide input just prior to the dialogue taking place. The process should be clearly explained in a note, which should be accessible and visible;**

(e) **It would be useful to have a database to keep an overview of the Committees and States parties that are using lists of issues prior to reporting and to keep track of their deadlines and content;**

(f) **Committees should reflect on what type of common core document they need under the simplified reporting procedure, what other documents or sources they should use and what type of list of issues prior to reporting template they can develop so that they can get the focused information they need from States;**

(g) **Committees should clarify in their lists of issues prior to reporting that the questions do not exhaustively cover all issues and that members have the flexibility to address additional issues during the dialogue, and they should explain to the State party why a new issue is being raised in their dialogue;**

(h) **Committees should discuss whether to consider States in the absence of a report and consider aligning their practices in that regard;**

(i) **Committees should coordinate their respective lists of issues prior to reporting if a State is scheduled to be reviewed by more than one Committee within a short time frame, for example during a two-year period. The aim is to avoid unnecessary and unintentional duplication or overlap, while encouraging positive and intentional reinforcement or repetition in cases when something needs to be repeatedly highlighted;**

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<sup>3</sup> The decision will be reflected in the Committee's annual report, to be issued in 2019.

(j) Committees should consider having, as a target, minimum and maximum numbers of questions for lists of issues prior to reporting and minimum and maximum numbers of recommendations for concluding observations;

(k) Internal guidelines should be developed in a coordinated manner for drafting lists of issues prior to reporting and concluding observations common to all Committees;

(l) An online training tool should be developed to familiarize new members of Committees with the methodology under the simplified reporting procedure and the regular reporting procedure;

(m) The compilation of guidelines for the submission of initial and periodic reports (HRI/GEN/2/Rev.6) should be revised to include the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, and any further developments concerning the simplified reporting procedure.