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**Thirty-fourth meeting of Chairs
of the human rights treaty bodies**
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**Progress made on the alignment of
working methods and practices of
the treaty bodies**

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Note by the Secretariat*

Summary

In its resolution 68/268, the General Assembly encouraged the human rights treaty bodies to continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through their working methods, within their respective mandates, and in this regard encouraged the treaty bodies to continue to review good practices regarding the application of rules of procedure and working methods in their ongoing efforts towards strengthening and enhancing their effective functioning.

While progress has been made since that resolution was adopted in 2014, the co-facilitators of the review of the United Nations human rights treaty body system recommended, in their report submitted to the General Assembly in 2020, that treaty bodies accelerate the alignment of their working methods. Moreover, the co-facilitators expressed 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 to share best practices across treaty bodies.

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I. Introduction

1. Regarding the reporting process, in 2019 the Chairs of the 10 human rights treaty bodies agreed, in their position paper on the future of the treaty body system, to align procedures and working methods in order to facilitate enhanced interaction between States parties and other stakeholders and the treaty bodies.¹ All the treaty bodies with periodic reporting obligations and for which the simplified reporting procedure is of relevance² now offer that procedure in principle, or plan to offer it to all States parties, subject to certain conditions.³ In addition, six treaty bodies offer the simplified reporting procedure for initial reports as well, either as an opt-out in the case of the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Rights of the Child or as an opt-in for the Committee against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁴ Also in 2019, the Chairs agreed to have an aligned methodology for the simplified reporting procedure, to ensure consistency in modalities, and identified possible elements for such a methodology.⁵ Accordingly, some treaty bodies have taken practical steps to implement those recommendations and formally enhance coordination,⁶ for example in respect of periodic country reviews and lists of issues.⁷
2. Aligning working methods is essential for making the transition to a predictable schedule of reviews⁸ and for facilitating the digital shift and the development of online tools, which the Chairs have agreed is a priority.⁹
3. With a view to further aligning working methods and ensuring complementarity across the treaty body system, the present document addresses more particularly the coordination of thematic issues, the reporting procedure, remedies, inquiries and country visits. At their thirty-fourth meeting, the Chairs will also discuss three conference room papers mapping out treaty body working methods and practices in the above-mentioned areas, identifying progress achieved in aligning working methods and highlighting good practices and making suggestions for ways to enhance coherence and consistency across the treaty body system.¹⁰
4. The present document contains information on the main findings of reviews and on possible elements for further aligning the working methods of the treaty bodies. The reviews

¹ [A/74/256](#), annex III.

² Unlike other committees, the Committee on Enforced Disappearances does not have a system of periodic reviews but it can request additional information from States parties to the International Convention for the Protection of All Persons from Enforced Disappearance, with no fixed periodicity (art. 29 of the Convention). It therefore does not apply the simplified reporting procedure, although it does, however, carry out examinations in the absence of a report. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment does not examine periodic reports by States parties; its preventive mandate requires it to visit places of detention and provide advice to national preventive mechanisms.

³ The Committee on the Elimination of Racial Discrimination reserves the simplified reporting procedure for States parties whose periodic reports are at least five years late.

⁴ Information provided by the Office of the United Nations High Commissioner for Human Rights, valid as at 20 May 2021.

⁵ [A/74/256](#), annex II.

⁶ The treaty bodies also coordinate their work and exchange information informally.

⁷ For example, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights coordinated their periodic review of Finland in February and March 2021. For its part, and also with a view to enhance coordination among treaty bodies, the Committee against Torture shares lists of issues with other committees prior to finalizing them.

⁸ The Chairs have agreed that it would be preferable to have one schedule of reviews for all treaty bodies ([A/76/254](#), para. 40).

⁹ The Chairs have clarified that digital tools could not replace in-person meetings for constructive dialogues with States parties. Rather, these tools would represent an additional instrument to enhance and enable the treaty bodies to fulfil their respective mandates efficiently, taking into account the constant need to develop their working methods ([A/76/254](#), para. 64).

¹⁰ The conference room papers are available at <http://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>.

were conducted by an external consultant and were desk-based, drawing on documents and information publicly available on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as on internal documents provided by OHCHR and meetings held with officers of the OHCHR Human Rights Treaties Branch.

5. The possible elements are presented herein for discussion and possible endorsement by the Chairs at their thirty-fourth meeting.

II. Coordination of thematic issues in the reporting procedure

6. Coordination of thematic issues in the reporting procedure is essential to ensuring complementary and mutually reinforcing periodic reviews of States parties in the context of a predictable review cycle.

A. Ensuring complementarity

7. In their position paper, the Chairs agreed that all treaty bodies would coordinate their lists of issues prior to reporting to ensure that their dialogues with States parties were comprehensive and did not raise substantively similar questions in the same time period.¹¹

8. Enhanced coordination among the United Nations human rights treaty bodies, but also other human rights mechanisms, would further emphasize the universality, interdependence and indivisibility of human rights. Consequently, any overlap should be intentional and focused on the issues of greatest concern; it should occur only when a committee believes that it is useful for something to be highlighted repeatedly.¹²

9. In practice, however, there is a significant amount of unnecessary repetition in the concluding observations adopted in 2018 and 2019.¹³ Many substantively similar or exactly the same recommendations were made regarding similar issues, sometimes repeated word for word.¹⁴ While repetition regarding cross-cutting topics indicates consistency, the absence of cross-referencing in most cases makes such a comparison difficult and is not conducive to their mutual reinforcement.

B. Referencing other treaty bodies and human rights mechanisms

10. With a view to strengthening the complementarity of human rights mechanisms and avoiding unnecessary overlap, it has been suggested that, when deemed relevant, the recommendations made by other treaty bodies, in the context of the universal periodic review and by the special procedure mandate holders should be cross-referenced and reinforced.¹⁵

11. In concluding observations adopted in 2018 and 2019, cross-referencing was used infrequently and inconsistently. When the treaty bodies do cross-reference, they reference a variety of bodies, mechanisms and standards.¹⁶ Practical issues have been raised in that regard.¹⁷ However, when used, cross-referencing represents a clear endorsement of the

¹¹ [A/74/256](#), annex III.

¹² *Ibid.*, annex II.

¹³ A total of 140 concluding observations on the reports of 46 States parties reviewed by more than one treaty body in 2018 and 2019 were analysed (see the conference room paper on the coordination of thematic issues in the reporting procedure, available at <http://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>).

¹⁴ Examples are included in the conference room paper on the coordination of thematic issues in the reporting procedure, sect. IV.

¹⁵ [A/66/860](#), sect. 4.2.6. See also [HRI/MC/2014/2](#), para. 33 (e).

¹⁶ See the conference room paper on the coordination of thematic issues in the reporting procedure, sect. II.

¹⁷ It has been noted that, in practical terms, cross-referencing results in a longer text, so sometimes the decision with regard to this practice might be taken for technical reasons ([HRI/MC/2014/2](#), para. 27).

recommendations made by other mechanisms¹⁸ and are a good example of positive and intentional reinforcement concerning topics that need to be highlighted repeatedly.

12. Therefore, the Chairs could discuss ways of resorting to cross-referencing without adding to the length of the document. Treaty bodies could use cross-referencing instead of formulating recommendations that are substantively identical to those made by other treaty bodies and mechanisms. To ensure that recommendations are mutually reinforcing, cross-references should clearly mention which mechanism issued the recommendation in question and include the document symbol. The current practice of hyperlinking document symbols facilitates access to documents containing the cross-referenced recommendations while avoiding lengthy repetitions. In addition, the variety of mechanisms and standards that are cross-referenced could be discussed with a view to ensuring more consistency, notably regarding references to the Sustainable Development Goals.¹⁹

C. Preparation of lists of issues prior to reporting and concluding observations

13. Coordination of concluding observations starts with the preparation of lists of issues prior to reporting. Treaty bodies could build on recent successful precedents of coordination of lists of issues prior to reporting before carrying out combined reviews of the same country by two different treaty bodies. To avoid unnecessary duplication in both recommendations and lists of issues prior to reporting, the Chairs could discuss the possibility for treaty bodies to extend the practice of prioritizing issues, rights or different aspects of the same cross-cutting theme that have not been reviewed by another mechanism.²⁰

14. Furthermore, the issue of what seems to be differing or diverging recommendations made by different treaty bodies regarding similar themes raises questions in terms of coordination, complementarity and, ultimately, implementation. While different treaty provisions may sometimes justify different approaches and diverging positions regarding similar issues, the Chairs could discuss how to appropriately deal with cases where a committee considers adopting concluding observations that diverge from a position taken on the same or similar situation by another treaty body, with a view to ensuring coherence across treaty body output, or at least to justifying diverging positions.

15. Regarding the reference to “the same time period” in the Chairs’ position paper, the Chairs could discuss whether to change the current practice to extend the period so that it encompasses the most recent review cycle, including recently adopted concluding observations or forthcoming lists of issues prior to reporting adopted by another committee by taking into account all the elements of the reporting cycle.

D. Digital tools

16. In their report submitted to the General Assembly in 2020, the co-facilitators of the review of the United Nations human rights treaty body system recommended accelerating the digital shift, including by considering online and hybrid models for treaty body activities where such modalities could be used.²¹ At their thirty-third meeting, the Chairs agreed that

¹⁸ Treaty bodies cross-reference each other’s output, as well as the outcomes of the universal periodic review and the findings of the special procedures of the Human Rights Council. Moreover, treaty bodies refer to a wealth of reports, decisions and recommendations issued by other international and regional bodies, international, regional and domestic courts, as well as other relevant international standards. See also the conference room paper on the coordination of thematic issues in the reporting procedure, para. 18.

¹⁹ The Sustainable Development Goals are mentioned regularly by some committees while they seem to be overlooked by others. See also the conference room paper on the coordination of thematic issues in the reporting procedure, para. 25.

²⁰ For example, because a State party has not ratified other treaties or has not reported to the relevant committees.

²¹ [A/75/601](#), annex, para. 19.

the development of online tools, such as online portals for petitions, improved web pages and online reporting platforms, was a priority.²²

17. Adequate and modern digital tools seem instrumental in enhancing coordination and complementarity between treaty bodies by facilitating information-sharing and in enhancing engagement of States and other stakeholders with the international human rights system. An online reporting platform with both private and public interfaces would increase predictability for States and other stakeholders and would facilitate the work of the treaty bodies. A public interface for all States and other stakeholders would enable information-sharing with an overall calendar of country reviews and would enable interaction with other relevant online platforms, such as the Universal Human Rights Index and the National Recommendations Tracking Database, as well as with other platforms under development. It would build and expand on existing platforms such as the platform for non-governmental organizations of the Committee on Economic, Social and Cultural Rights. The private interface would include confidential information, including information relevant for treaty body members and their secretariats. Treaty body members and secretariats would greatly benefit from gaining easier access to relevant databases while being able to share drafts and receive comments through this common platform. Such an interface would, for example, also make it easier to track submissions, avoid saving documents multiple times (thereby creating duplicates), make considerably better use of staff time (particularly for programme assistants) and reduce the reliance on paper, with environmental benefits.²³

18. Regarding online work, the Chairs agreed that a number of intersessional activities that had been carried out before the COVID-19 pandemic through the exchange of emails could also be used as best practices to plan for the contingency of not being able to hold in-person meetings.²⁴ However, the following challenges relating to online work identified by the working group on COVID-19 should be acknowledged and addressed: different time zones, online platforms, connectivity, the lack of interpretation, costs for online work and reasonable accommodation for experts with disabilities.²⁵

III. Remedies

19. When a right enshrined in a United Nations human rights treaty is found to have been violated, all committees dealing with individual communications recommend various forms of reparation for the victims. Indeed, the purpose of individual communication procedures is to enforce those rights and provide victims of violations with an effective remedy. Moreover, treaty body decisions play a larger preventive role, as recommendations to amend laws and practices are expected to prevent the recurrence of violations. Implementation of treaty body decisions at the national level is key to States fulfilling the obligations they undertake when becoming a party to the relevant treaty and ensuring justiciability of the rights enshrined in the corresponding instruments.

20. At their twenty-eighth meeting, held in 2016, the Chairs of the treaty bodies agreed that there was a need to compare the jurisprudence of the respective committees with the objective of distilling good practices and establishing the full range of remedies that could guide the treaty bodies in their decisions, including measures of restitution, monetary compensation, rehabilitation measures, satisfaction measures and guarantees of non-repetition.²⁶ At their twenty-ninth meeting, held in 2017, the Chairs decided to identify

²² A/76/254, para. 64.

²³ A concrete proposal could be put forward for funding by States, including as part of efforts to attain the aims set out in “Our Common Agenda”.

²⁴ A/75/346, para. 46 (r).

²⁵ A/76/254, annex II, para. 2.

²⁶ A/71/270, para. 37. For more details and examples of what each category entails, see the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex, paras. 19–23).

common elements with respect to the practices in the area of remedies in the different treaty bodies, including on terminology used and measures recommended.²⁷

21. The conference room paper on remedies and measures of reparation in treaty body jurisprudence²⁸ contains comparisons and analyses of reparative measures recommended by the treaty bodies in their recent jurisprudence with a view to identifying common elements and good practices.

22. Since the Chairs' latest discussion regarding remedies in 2017, efforts towards alignment have been made. The treaty bodies have used largely similar formulations and terminology. Furthermore, all committees make victim-specific and general recommendations, which represents an evolution from previous practice for the Committee against Torture and the Committee on the Elimination of Racial Discrimination.²⁹ The main differences across treaty bodies in terms of working methods and practices are in the following areas: different presentation, either in one single paragraph or in two distinct paragraphs; labelled parts (recommendations concerning the author/victim or general recommendations); varying levels of specificity in the formulation of reparative measures; differences in the breadth of the general measures recommended; and different assessment criteria and grading systems regarding the follow-up procedures.

23. Given the above, the Chairs could discuss possible elements for further alignment of working methods and practices. Elements relating to the follow-up on Views and the implementation of remedies were already submitted to the Chairs in 2018³⁰ and could be discussed further.

A. Enhancing coherence and clarity

24. To enhance coherence and clarity on measures of reparation, three committees have developed some guidance, although, to date, the Human Rights Committee is the only treaty body that has developed and adopted guidelines on this subject.³¹ For their part, the Committee against Torture and the Committee on the Elimination of Discrimination against Women have addressed the issue in a general comment³² and two general recommendations respectively.³³

25. The Chairs could discuss the preparation of a common document aimed at supporting all stakeholders, including the authors of communications, in identifying adequate remedies, as well as improve coherence and clarity throughout the system.

26. The current practice of requesting the authors of communications to include their expected measures of reparation could be formalized,³⁴ for example by adding the following sentence to the complaints form: "Please indicate the specific measures of reparation that you would like to obtain from the State party". Currently, this advice only appears in the guidance document for submitting individual communications, not in the complaint form itself.

²⁷ [A/72/177](#), para. 51; and [HRI/MC/2018/3](#), paras. 87 and 90.

²⁸ Available at <http://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>.

²⁹ See [HRI/MC/2018/3](#), para. 89, where it was noted that the Committee on the Elimination of Racial Discrimination and the Committee against Torture tended to limit their recommendations to remedies for the victim.

³⁰ [HRI/MC/2018/4](#).

³¹ See [CCPR/C/158](#).

³² Committee against Torture, general comment No. 3 (2012), paras. 6–18.

³³ Committee on the Elimination of Discrimination against Women, general recommendations No. 33 (2015), para. 19, and No. 35 (2017), para. 46.

³⁴ [CCPR/C/158](#), para. 4. In accordance with the guidance (available at <https://www.ohchr.org/en/documents/tools-and-resources/form-and-guidance-submitting-individual-communication-treaty-bodies>), it is also advisable to indicate the specific remedies that the author would like to obtain from the State party, should the Committee conclude that the facts before it disclose a violation. This is not highlighted in the complaint form itself.

B. Measuring whether reparation is full and effective

27. To measure whether reparation is full and effective, possible criteria that have been mentioned in the context of the present review include: whether the measures of reparation recommended are victim-centred; whether the victim considers that the measures of reparation are satisfactory; and whether the measures are specific enough to enable effective follow-up.

C. Measuring progress in implementation

28. With a view to ensuring more effective follow-up of reparative measures, it has already been suggested that it is necessary to identify the relevant authorities responsible for implementing the recommended measures at the domestic level and that national mechanisms for reporting and follow-up should be involved in the process of finding the right national counterparts.³⁵ It has also been proposed that the time frame for the State party to provide information on measures taken to comply with or follow up on the Views should be six months, starting from the date of transmittal of the Views to the State party.³⁶ The link between the follow-up to Views and the reporting procedure has also been highlighted as a way of enhancing implementation of remedial measures and could be further explored, including to address non-cooperation of the State party concerned.³⁷

29. The impact of the specificity of the recommendations on the follow-up procedure was addressed during the 2017 expert meeting on follow-up to treaty body recommendations. The comparative analysis done for the present report shows that specific and detailed recommendations lead to more effective follow-up and that treaty bodies have made efforts to make more specific, precise recommendations, especially those related to the victim.³⁸ Therefore, the common guidance could indicate that measures of reparation should be as specific and clear out as possible, to enable effective follow-up by treaty bodies and civil society organizations. For example, identifying the specific shortcomings at the national level would assist not only the State authorities responsible for rectifying the situation but also other stakeholders involved in the implementation phase.

30. Regardless of the specificity of the measures of reparation, the small number of reports on follow-up to Views available highlights two issues: (a) follow-up processes depend on the quality of the State party's response – unfortunately, the analysis shows that the quality of the information provided by States parties is inconsistent and rarely covers all the measures of reparation recommended; and (b) there are insufficient resources within the Petitions and Urgent Actions Section to process the information received, as highlighted in a number of reports, including for the establishment of a digital case management system to streamline the current process, which is manual and time-consuming.³⁹

31. Currently, assessment criteria and grading systems regarding follow-up to Views are not streamlined, although some have been simplified. This lack of coherence and the use of

³⁵ HRI/MC/2018/4, para. 12 (a) (ii), wherein it is proposed that upon transmittal of the Views to the State party there should be a standard paragraph accompanying the Views, and indicating a time frame for response, requesting which authority is competent, in particular with respect to the remedy sought from the committee.

³⁶ HRI/MC/2018/4, para. 12 (b).

³⁷ In 2018, it was proposed that States parties should systematically be requested to provide updates on implementation during the dialogue (reporting phase), as is currently the practice (A/73/140, annex II). More recently, in the context of the present review of working methods and practices, it has been suggested that cases that have been closed with an unsatisfactory assessment could be formally moved for further consideration under the respective treaty body reporting procedure.

³⁸ See the conference room paper on remedies and measures of reparation in treaty body jurisprudence, sect. II, available at <http://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>.

³⁹ Most recently, the co-facilitators acknowledged the insufficient human, financial and technical resources (A/75/601, annex, para. 21).

various assessment criteria were already identified as challenges in 2017.⁴⁰ The most common elements of existing assessment criteria and grading systems could be discussed and aligned across treaty bodies.

D. Access to information and the need for adequate digital tools

32. Currently, information on follow-up to Views is not easily accessible and disconnected from the relevant cases. The most widely shared practice among the treaty bodies is to draft follow-up reports, which makes the information more accessible than when it is included in annual reports, although neither option is ideal. Linking follow-up information to each case on a digital database would make the information even more accessible.

33. As suggested at the 2017 expert meeting on follow-up to treaty body recommendations, follow-up recommendations could be made available on a common database for all treaty bodies, including by country.⁴¹ The need to compile follow-up recommendations prior to the constructive dialogue with each State party was also highlighted.⁴² The possibility of including all the Views adopted by the treaty bodies in the Universal Human Rights Index and of indexing each one using artificial intelligence tools could be explored. As the co-facilitators have noted,⁴³ and as rightly recognized as a “pressing need”,⁴⁴ a digital portal to enhance access to the relevant information, streamline currently labour-intensive work streams and processes and facilitate the work of the Petitions and Urgent Actions Section seems essential.

IV. Inquiries and country visits

34. In 2012, the High Commissioner noted that a common approach to inquiry and country visit procedures would greatly assist treaty bodies, States parties and other actors in effectively dealing with the sensitive issues arising from them, as well as ensuring continued consistency and legal certainty in the handling by treaty bodies of related procedural issues. Consequently, the High Commissioner recommended that common written guidelines be issued on procedural matters related to the conduct of inquiries and country visits.⁴⁵ Subsequently, the Chairs discussed harmonizing their procedures and practices in relation to inquiry and country visit procedures at their 2016 and 2017 annual meetings, including issues related to the threshold for triggering an inquiry or country visit, confidentiality, sources of information and follow-up to these procedures.⁴⁶

35. The conference room paper on inquiries and country visits being prepared for submission to the Chairs at their thirty-fourth meeting, which will contain an overview of existing guidance and practices, is aimed at assisting treaty bodies in preparing draft common guidelines for establishing common procedures regarding inquiries and country visits,

⁴⁰ See the conference room paper on the expert meeting on follow-up to treaty body recommendations, para. 6, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1248&Lang=en. The various systems are contained in the conference room paper on inquiries and country visits, sect. V, available at <http://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>.

⁴¹ See the conference room paper on the expert meeting on follow-up to treaty body recommendations, para. 10.

⁴² Ibid.

⁴³ [A/75/601](#), annex, para. 22.

⁴⁴ [A/74/643](#), paras. 57 and 69.

⁴⁵ [A/66/860](#), p. 71.

⁴⁶ [A/71/270](#), paras. 38–39; and [A/72/177](#), para. 52. Furthermore, the OHCHR Human Rights Treaty Bodies Branch, in cooperation with the Geneva Academy of International Humanitarian Law and Human Rights, held a workshop on the inquiries procedure on 4 and 5 October 2016 (see the conference room paper on the workshop on the inquiries procedure, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1248&Lang=en).

drawing on best practices and in reference to the note by the Secretariat on identifying progress achieved in aligning the working methods and practices of the treaty bodies.⁴⁷

A. Threshold for triggering an inquiry or a country visit

36. There appears to be a common understanding regarding certain elements relating to the threshold for triggering an inquiry or a country visit.⁴⁸ The reliability of the information is most commonly assessed in relation to both the information received and its source.⁴⁹ There also appears to be a common understanding regarding the definition of “systematic” violations of rights or regarding the practice of torture. The Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities have interpreted the term “systematic” by looking at the organized nature and the repetition of acts that do not occur randomly or in isolation. In addition, inadequate legislation or legal frameworks that allow, perpetuate or aggravate the situation may also add to the systematic nature of the violations. Furthermore, common criteria have been identified to determine the gravity of the violations, i.e., the scale, prevalence, nature and impact of the violations. Drawing on these common elements while maintaining the confidentiality of the procedure, treaty bodies could, as suggested by the participants in the 2016 workshop on inquiries for endorsement by the Chairs, develop guidelines as a means of harmonizing the criteria applied by treaty bodies when establishing thresholds for triggering inquiries.⁵⁰

37. A particularity of the International Convention for the Protection of All Persons from Enforced Disappearance is that it does not require violations to be systematic, assessing instead their gravity.⁵¹ The threshold for triggering a country visit is therefore different.

B. Confidentiality

38. Confidentiality of documents and proceedings is a key principle of the inquiry procedures as provided under the treaties and reiterated in the relevant rules of procedure.⁵² The Chairs have broadly agreed that strict confidentiality should be maintained throughout the proceedings.⁵³ Country visits undertaken pursuant to the International Convention for the Protection of All Persons from Enforced Disappearance are not confidential, but the Committee on Enforced Disappearances ensures the confidentiality of the sources of information.

⁴⁷ [HRI/MC/2018/3](#).

⁴⁸ See the conference room paper on inquiries and country visits.

⁴⁹ The rules of procedure of the Committee on the Elimination of Discrimination against Women (rule 82), the Committee on Economic, Social and Cultural Rights (rule 26), the Committee against Torture (rule 81), the Committee on the Rights of Persons with Disabilities (rule 82) and the Committee on Enforced Disappearances (rule 91), as well as the rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (rule 34), specify that the relevant committee may ascertain the reliability of the information and/or the sources of the information brought to its attention.

⁵⁰ See the conference room paper on the workshop on the inquiries procedure, para. 30 (g).

⁵¹ In accordance with article 33 (1) of the Convention, if the Committee on Enforced Disappearances receives reliable information indicating that a State party is seriously violating the provisions of the Convention, it may, after consultation with the State party concerned, request one or more of its members to undertake a visit and report back to it without delay.

⁵² Rules of procedure of the Committee on Economic, Social and Cultural Rights (rule 25), the Committee on the Elimination of Discrimination against Women (rule 80), the Committee against Torture (rule 78) and the Committee on the Rights of Persons with Disabilities (rule 80), as well as the rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (rule 33).

⁵³ [HRI/MC/2018/3](#), para. 66.

39. Regarding the confidentiality of the information received and of the identity of the source of information, standard good practice indicates that, prior to using any source information, the consent of the author should always be obtained.⁵⁴

40. Besides, with regard to public disclosure of findings, the Chairs have broadly agreed that, while all treaty bodies should maintain absolute confidentiality throughout the proceedings, public disclosure of the treaty body's findings, in some form and at the end of the inquiry proceedings (after the dialogue with States), was essential in order to ensure a victim-oriented approach.⁵⁵ In practice, and in line with the Chairs' recommendation, most inquiry reports have been published in full on the OHCHR website, as have the observations received from the States parties concerned and follow-up information received from "alternative sources". While country visits undertaken pursuant to the International Convention for the Protection of All Persons from Enforced Disappearance are not confidential, the practice is to keep the agenda confidential and for the Committee to share its main findings through a press conference at the end of the visit. The relevant report is made public upon adoption by the Committee on Enforced Disappearances in plenary session.

41. In line with the Chairs' recommendation and established practice, common guidance could include the desirability of publishing inquiry results (in full reports, in summaries or in tables)⁵⁶ in order to ensure a victim-oriented approach and facilitate the implementation of the recommendations. Where necessary,⁵⁷ States parties should be encouraged to agree to the publication of inquiry reports.⁵⁸ The existing guidance, according to which the consent of the source should be sought for the disclosure of his or her identity prior to any engagement with the State party, could be extended.

42. Furthermore, treaty bodies have discussed challenges relating to confidentiality vis-à-vis other treaty bodies and mechanisms and the risk of duplication.⁵⁹ The issue of information-sharing for coordination purposes could be further discussed with a view to aligning guidance and practices in that regard.

C. Protection of victims and witnesses

43. The issue of protecting victims and witnesses has been discussed by the Chairs and treaty bodies and is addressed in existing rules of procedure and guidance, including the Guidelines against Intimidation or Reprisals (the San José Guidelines),⁶⁰ the guidelines of the Committee against Torture on the receipt and handling of allegations of reprisals,⁶¹ the guidelines of the Committee on Enforced Disappearances to prevent and address intimidation and reprisals⁶² and the guidelines of the Subcommittee on Prevention of Torture and Other

⁵⁴ See the conference room paper on the workshop on the inquiries procedure, para. 13. See also the standard consent form used by the Committee on Enforced Disappearances for bilateral interviews during its recent visit to Mexico, which gives options as to how the information might be used (by the Committee internally only or for its public report, with or without personal details) and shared (e.g., with other United Nations mechanisms, competent national authorities and regional and international courts). See the conference room paper on inquiries and country visits, annex I.

⁵⁵ [HRI/MC/2018/3](#), para. 66. See also [A/71/270](#), para. 39.

⁵⁶ The preparation of tables for inclusion in inquiry reports is being discussed by the working group on inquiries of the Committee on the Elimination of Discrimination against Women.

⁵⁷ The Committee on the Elimination of Discrimination against Women already publishes inquiry reports, without asking for the States parties' consent. The Committee against Torture includes a summary of the inquiry proceedings regardless of the States parties' consent. The reports of the Committee on Enforced Disappearances on country visits are public already.

⁵⁸ No need for such agreement with the Committee on Enforced Disappearances, as article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance does not require confidentiality.

⁵⁹ See the conference room paper on the workshop on the inquiries procedure, para. 16.

⁶⁰ [HRI/MC/2015/6](#).

⁶¹ [CAT/C/55/2](#).

⁶² [CED/C/8](#).

Cruel, Inhuman or Degrading Treatment or Punishment on visits to States parties.⁶³ There seems to be an agreement that the principle of “do no harm” should guide treaty body inquiry and country visit proceedings to prevent reprisals and that this principle should be upheld at all stages of the proceedings, from the time of protecting the source of the information to the time of protecting victims and witnesses interacting with the treaty bodies.⁶⁴

44. As discussed by the treaty bodies and suggested for endorsement by the Chairs, a common protocol could be developed for dealing with reprisals in the context of inquiries and country visits,⁶⁵ drawing upon existing practice and guidance. The following preventive measures could be included:

(a) Respect for confidentiality of the source of information. In that regard, the consent form developed for country visits by the Committee on Enforced Disappearances and used in all cases of bilateral interaction with a victim or small group of victims seems an interesting example as it covers various situations and provides several options.⁶⁶ The recent experiences of this Committee could be discussed;

(b) The State party concerned should be informed that it is expected to take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry or in meetings with treaty body members;⁶⁷

(c) Any action on allegations of reprisals would take into account, as a matter of priority, the need to preserve the security of the person or persons threatened. No name of persons or places or any sensitive information will be disclosed if such information jeopardizes the security of the complainants, their representatives or witnesses,⁶⁸ bearing in mind that risk-assessment is a major challenge and concern for treaty bodies;

(d) The State party under inquiry or being visited should be notified that any cases of reprisals will be made public;⁶⁹

(e) No name or other information will be disclosed should it not be possible for the security of the person concerned to be guaranteed. In no circumstance will the name of a minor be made public;⁷⁰

(f) No personal data should be published without the express consent of the person concerned;⁷¹

(g) A registry with the identifying and other personal data of those who have cooperated with a treaty body during an inquiry or country visit should be kept by the secretariat;⁷²

(h) Prior to any visit, the delegation in charge of the inquiry or visit should inform itself of existing procedures and commit itself to taking relevant action whenever necessary, including by informing the treaty body’s rapporteur or focal point on reprisals, who will identify any areas of concern that should be raised with the State party.⁷³

⁶³ CAT/OP/5. See, in particular, guideline 11.

⁶⁴ See the conference room paper on the workshop on the inquiries procedure, para. 13.

⁶⁵ Ibid., para. 30 (e).

⁶⁶ The consent form used by the Committee on Enforced Disappearances is required whenever a person provides information on specific cases. It is not required when the statements refer to general allegations related to patterns, trends or practices.

⁶⁷ Rules of procedure of the Committee on the Elimination of Discrimination against Women (rule 87 (4)), the Committee on the Rights of Persons with Disabilities (rule 87 (4)), the Committee on Economic, Social and Cultural Rights (rule 31 (4)) and the Committee on Enforced Disappearances (rule 95 (4)).

⁶⁸ CAT/C/55/2, para. 13.

⁶⁹ Ibid., para. 21.

⁷⁰ Ibid., para. 18; and CED/C/8, para. 21.

⁷¹ CAT/OP/5, guideline 10. See also the consent form used by the Committee on Enforced Disappearances during its country visit to Mexico.

⁷² CAT/C/55/2, paras. 16–17.

⁷³ CAT/OP/5, guideline 11.

45. Furthermore, the issue of how to protect the information gathered from security breaches could be further discussed. Who internally should have access to the information? How can the data be fully protected (using password-secured folders)?

D. Engagement with stakeholders and sources of information

46. As suggested by the participants to the workshop on inquiries, procedures for engaging with sources,⁷⁴ including the issue of whether the different steps of the inquiry proceedings should be communicated to the sources of information,⁷⁵ could be harmonized across treaty bodies. The Chairs could discuss the possibility of establishing common rules and modalities for engaging with relevant stakeholders, building on the guidelines of the Committee against Torture and bearing in mind the key principles of confidentiality and protection of sources, victims and witnesses (such as the principle of “do no harm”). The rules and guidance regarding the variety of sources that treaty bodies may seek additional information from could also be discussed and aligned while also maintaining some flexibility so that the treaty bodies can rely on information provided by the specific sources that are directly relevant to the various mandates. Furthermore, as suggested for endorsement by the Chairs, templates for communicating with the main actors have been developed and placed on an extranet accessible only to secretariat focal points on inquiries.⁷⁶ Another suggestion is to prepare guidelines on how treaty bodies should engage with non-State entities, particularly given the current global challenges in that regard.⁷⁷

47. Currently, practices in relation to non-cooperation of the State party vary across treaty bodies. Therefore, it has been suggested that this issue could be further discussed to exchange and consider streamlining good practices.

E. Follow-up and implementation

48. The treaty bodies may request follow-up information from the State party concerned following an inquiry or a country visit. However, the modalities vary by treaty body. The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights may invite States parties to include follow-up information in their next periodic report or at the end of the six-month period allowed for submitting observations, outside of the reporting cycle.⁷⁸ The rules of procedure of the Committee on Enforced Disappearances and the Committee against Torture provide that the committees may request additional information on measures taken.⁷⁹

49. In practice, the follow-up to inquiry recommendations is sometimes part of the reporting procedure, but this approach has shortcomings. Firstly, problems may arise if the next periodic review is not due for a long time after the inquiry. Secondly, integrating the follow-up to inquiries in the reporting procedure sometimes results in the repetition of recommendations without much impact on the ground. Other follow-up activities that have been envisaged by treaty bodies include the organization of workshops and side events to ensure effective engagement with the sources of information (provided the inquiry report is

⁷⁴ See the conference room paper on the workshop on the inquiries procedure, para. 10.

⁷⁵ This is not done currently by the Committee on the Elimination of Discrimination against Women for reasons of confidentiality.

⁷⁶ As suggested for endorsement by the Chairs. See the conference room paper on the workshop on the inquiries procedure, para. 30 (d).

⁷⁷ *Ibid.*, para. 30 (j).

⁷⁸ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (art. 9), Optional Protocol to the Convention on the Rights of Persons with Disabilities (art. 7), Optional Protocol to the Convention on the Rights of the Child on a communications procedure (art. 14) and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (art. 12). See also the rules of procedure of the Committee on the Elimination of Discrimination against Women (rule 90).

⁷⁹ Rules of procedure of the Committee on Enforced Disappearances (rule 98) and the Committee against Torture (rule 89 (2)).

made public) and encourage States parties to follow up on recommendations.⁸⁰ Furthermore, the Committee against Torture considers, on the basis of experience gained during inquiry procedures and visits, that the ideal method to ascertain if its recommendations have been implemented would be to carry out a follow-up visit one or two years after the conclusion of the inquiry.⁸¹ A short ad hoc visit is also envisaged by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to continue the dialogue and verify the state of implementation of some key recommendations.⁸² Moreover, the Committee against Torture presents follow-up visits as a way of protecting those who have cooperated with the Committee against reprisals.⁸³ However, as noted by treaty body experts, follow-up visits may be considered politically sensitive and financially unviable.⁸⁴

50. To overcome the shortcomings identified and strengthen the follow-up process, the Chairs could discuss the following options: developing common guidance on follow-up to inquiries and country visits by taking into consideration the advantages offered by the respective procedures of each Committee; enhancing engagement with stakeholders on the ground, including OHCHR field presences and civil society organizations (to help disseminate findings and organize workshops but also to present their views on implementation and the obstacles thereto).⁸⁵ It has also been suggested that policymakers should be involved, where relevant.⁸⁶ Coordination among treaty bodies of cross-cutting thematic issues could also be discussed.

F. Information-sharing and institution-building

51. Drawing on existing practices and with a view to ensuring coherence across the treaty bodies and to aligning working methods, the following elements have already been submitted to the Chairs: (a) the establishment of a common database to share relevant information and guidelines to facilitate the alignment of working methods – such a special information-sharing network could be established on an extranet to allow all treaty body members and staff following inquiries and country visits to have access to all documents and existing guidelines, including treaty body-specific guidelines;⁸⁷ (b) the establishment of focal points on inquiries and country visits as an institution-building measure;⁸⁸ and (c) the establishment of a contact group on inquiries by, for example, using the group that participated in the 2016 workshop or treaty body focal points on inquiries.⁸⁹ Furthermore, treaty bodies need to consider ways of ensuring that the rich information gathered through visits is fully used and explored in a way that is relevant to victims and to the State institutions in charge of implementing the adopted recommendations.

⁸⁰ See the conference room paper on the workshop on the inquiries procedure, para. 30 (b).

⁸¹ CAT/C/55/2, para. 19.

⁸² CAT/OP/5, guideline 7.

⁸³ CAT/C/55/2, para. 20.

⁸⁴ See the conference room paper on the workshop on the inquiries procedure, para. 28.

⁸⁵ As mentioned during the preparation of the present document and as already suggested for endorsement by the Chairs. See the conference room paper on the workshop on the inquiries procedure, para. 30 (b) and (c).

⁸⁶ Virtual meeting held on 2 December 2021 with secretaries and focal points.

⁸⁷ See the conference room paper on the workshop on the inquiries procedure, para. 30 (f).

⁸⁸ Ibid., para. 30 (a).

⁸⁹ Ibid., para. 30 (i).