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Progress made on the alignment of working methods and practices of the treaty bodies

Aide-mémoire on tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies

Note by the Secretariat*

Summary

The present document, submitted pursuant to General Assembly resolution 68/268, contains an aide-mémoire on tracking the implementation status of decisions and recommendations of the Chairs of the treaty bodies and has been prepared as a basis for discussion. It is indicative only and non-exhaustive, and further developments will be reflected in subsequent updates, as often as necessary. It comprises a list of decisions taken by the Chairs, previous proposals, good practices and outstanding issues in relation to the simplified reporting procedure, intersessional work, remedies, inquiries and country visits, general comments and reprisals.

It is of note that, since March 2020, certain modalities and working methods have had to be adjusted to respond to restrictions on travel or meeting in person imposed because of the coronavirus disease (COVID-19) pandemic. The two most recent meetings of the Chairs, in 2020 and 2021, took place online with limited simultaneous interpretation, and covered only the most pressing items on the agenda. In-person meetings of treaty bodies are expected to fully resume as of April 2022.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



I. Simplified reporting procedure

A. Modalities

Decisions and recommendations of the Chairs

1. Where relevant,¹ all treaty bodies agree to offer simplified reporting procedures to all States parties for periodic reports and may also offer it for initial reports. All treaty bodies offering such procedures for initial reports will develop a standard list of issues prior to reporting.² The Chairs have also decided 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.³
2. The Chairs have endorsed the possible elements for a common aligned procedure for the simplified reporting procedure.⁴
3. The Chairs have agreed to review States parties in the absence of a report.⁵ The Chairs had already suggested that in the case of a review in the absence of a State party report, the State party should still be encouraged to appoint a delegation to participate in the constructive dialogue.⁶
4. The Chairs have invited the treaty bodies to consider the guidance note for States parties on the constructive dialogue with the human rights treaty bodies,⁷ with a view to making it available to States parties.⁸
5. All treaty bodies have agreed to follow the same general format for the consideration of reports during their Geneva sessions, that is, 6 hours in total, distributed over two sessions within a 24-hour period. In addition, written replies could be provided by the State concerned within 48 hours of the conclusion of the oral dialogue, if needed and appropriate. Exceptionally, the dialogue may take place by videoconference.⁹
6. The Chairs have underscored the importance of streamlined, focused and up-to-date common core documents and encouraged States parties to make use of the possibility to present an addendum to their existing common core document.¹⁰
7. All treaty bodies have agreed to increase their capacity to review the reports of States parties and individual communications, for example by working in chambers, working groups or country teams.¹¹
8. All treaty bodies have agreed that there are considerable benefits in conducting dialogues with States parties concerning their reports at a regional level, and that this option should be offered to States on a pilot basis by those committees wishing to do so, with a view

¹ Unlike other committees, the Committee on Enforced Disappearances does not have a system of periodic review. It can request additional information from States parties, with no fixed periodicity (International Convention for the Protection of All Persons from Enforced Disappearance, art. 29). It therefore does not apply a simplified reporting procedure. The Committee does, however, have a system of examination 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 is carried out through visits to places of detention and advice given to national preventive mechanisms.

² See [A/74/256](#), annex III.

³ [A/75/346](#), para. 46 (k).

⁴ See [A/74/256](#), annex II.

⁵ *Ibid.*, annex III.

⁶ [A/71/270](#), para. 82.

⁷ [A/69/285](#), annex I.

⁸ *Ibid.*, para. 46.

⁹ See [A/74/256](#), annex III.

¹⁰ [A/71/270](#), para. 91.

¹¹ See [A/74/256](#), annex III.

to permanent implementation. Such dialogues may be conducted by a delegation of the treaty body, with concluding observations being adopted by the committee as a whole.¹²

Elements considered and/or endorsed by the Chairs

9. The Chairs have considered and/or endorsed:

(a) A guidance note for States parties on the constructive dialogue with the human rights treaty bodies;¹³

(b) Possible elements for a common aligned procedure for the simplified reporting procedure.¹⁴

10. In their report on the process of the consideration of the state of the United Nations human rights treaty body system, the co-facilitators leading the process expressed the view that all of 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 decided, for initial reports, from which States parties could opt out.¹⁵

11. The co-facilitators further noted 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.¹⁶

12. Regarding reviews in the regions, the co-facilitators encouraged treaty bodies' engagement with States Members of the United Nations at the regional level, which could include, inter alia, organizing reviews of States at United Nations regional offices, follow-up webinars on concluding observations and sharing good practices on follow-up to recommendations.¹⁷

Good practices

13. Good practices that have been identified include the following:

(a) Where relevant,¹⁸ all treaty bodies now offer the simplified reporting procedure to all States parties for periodic reports. In addition, six committees offer, or have agreed to offer (subject to the availability of resources), the simplified reporting procedure for initial reports as well, either as an opt-out procedure (Committee on Economic, Social and Cultural Rights, Human Rights Committee, and Committee on the Rights of the Child), or as an opt-in procedure (Committee against Torture, Committee on the Rights of Persons with Disabilities and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families);¹⁹

(b) The guidance note for constructive dialogue has been adopted or endorsed by the Committee on the Rights of Persons with Disabilities, the Committee against Torture, the Committee on Enforced Disappearances, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights. The Human Rights Committee updated its own guidance, taking into account the guidance note. The Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers

¹² Ibid., annex III.

¹³ [A/69/285](#), annex I.

¹⁴ [A/74/256](#), annex II.

¹⁵ [A/75/601](#), annex, para. 41.

¹⁶ Ibid., para. 44.

¹⁷ Ibid., para. 69.

¹⁸ See footnote 1 above, on the exceptions relating to the Committee on Enforced Disappearances and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁹ A table containing a summary of current simplified reporting procedure practice per treaty body, as at 20 May 2021, will be available at <https://www.ohchr.org/en/treaty-bodies/annual-meeting-chairpersons-human-rights-treaty-bodies>.

and Members of Their Families considered that their practice was in line with the guidance note.

Outstanding issues

14. Issues that remain outstanding include the following:

(a) How to increase review capacity, bearing in mind that all treaty bodies have agreed to increase their capacity to review the reports of States parties and individual communications, while considering that committee members cannot be expected to contribute more than three months of their time per year (that is, a maximum of three sessions of four weeks each);²⁰

(b) An online tool should be developed to facilitate the familiarization of new members of Committees with the methodology under the simplified reporting procedure and the regular reporting procedure;²¹

(c) The compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties²² should be revised to include the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and any further developments concerning the simplified reporting procedure;²³

(d) Standard lists of issues prior to reporting should be developed;²⁴

(e) The Committee on Enforced Disappearances' procedure of examination in the absence of a report and relevant lessons learned in the discussion of the simplified reporting procedure should be taken into account.

B. Coordination of thematic issues and reduction of unnecessary overlap

Decisions and recommendations of the Chairs

15. All treaty bodies will coordinate their list of issues prior to reporting to ensure that their dialogues with States parties are comprehensive and do not raise substantively similar questions in the same time period. Lists of issues prior to reporting will be limited to 25 to 30 questions.²⁵

16. The Chairs have agreed that further coordination and harmonization of overlapping issues among the committees is necessary.²⁶

17. The Chairs have endorsed possible elements for a common aligned procedure for the simplified reporting procedure, which provide, among other things, that 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 a two-year period, with the aim of avoiding unnecessary and unintentional duplication or overlap, while encouraging positive and intentional reinforcement or repetition in cases when something needs to be highlighted repeatedly;²⁷ and that internal guidelines should be developed in a coordinated manner for the drafting of lists of issues prior to reporting and of concluding observations common to all committees.²⁸

²⁰ See [A/74/256](#), annex III.

²¹ *Ibid.*, annex II (l).

²² [HRI/GEN/2/Rev.6](#).

²³ [A/74/256](#), annex II (m).

²⁴ *Ibid.*, annex III.

²⁵ *Ibid.*

²⁶ [A/76/254](#), para. 57.

²⁷ [A/74/256](#), annex II (i).

²⁸ *Ibid.*, annex II (k).

Elements considered and/or endorsed by the Chairs

18. The following elements have been considered and/or endorsed by the Chairs:

(a) When relevant, there should be cross-referencing and reinforcement of the recommendations of other treaty bodies, the universal periodic review and special procedure mandate holders;²⁹

(b) In their report, the co-facilitators noted that 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 the Office of the United Nations High Commissioner for Human Rights (OHCHR) to enhance coordination and complementarity and to reduce unnecessary duplication.³⁰

Good practices

19. Good practices that have been identified include the following:

(a) Coordination of lists of issues prior to reporting where a country will be reviewed by two treaty bodies in the same time period;

(b) Prioritization of issues, rights or different aspects of the same cross-cutting theme that have not been reviewed by another mechanism;

(c) The taking into account of all relevant documents by other treaty bodies; current efforts would be greatly enhanced by having a digital portal with all relevant information;

(d) At its sixty-eighth session, the Committee against Torture adopted, on a pilot basis, concrete measures to ensure that dialogues with and recommendations for States parties were more focused and coordinated with other treaty bodies.³¹ Those measures include, inter alia, the coordination of lists of issues prior to reporting and concluding observations;

(e) The Committee on the Elimination of Discrimination against Women limits lists of issues prior to reporting to 25 questions;³² the Committee against Torture limits the total number of questions (that is, paragraphs) contained in lists of issues prior to reporting to 25 to 30.³³

Outstanding issues

20. Issues that remain outstanding include the following:

(a) How to cross-reference and reinforce without adding to the length of concluding observations; arguably, concise cross-referencing may reduce the length of concluding observations (to address the word limit issue);³⁴

(b) The extension of good practices across the system;

(c) Regarding “the same time period” mentioned in the Chairs’ position paper,³⁵ the Chairs could discuss whether to extend the current practice, whereby the period encompasses the most recent review cycle, including recently adopted concluding observations or forthcoming lists of issues prior to reporting adopted by another committee;

(d) How to deal with situations where a committee considers adopting concluding observations that diverge from a position taken on the same, or a highly similar, situation by

²⁹ A/66/860, 2012, sect. 4.2.6. See also [HRI/MC/2014/2](#), para. 33 (e).

³⁰ [A/75/601](#), annex, para. 41.

³¹ See [A/75/44](#), annex III.

³² An analysis of current practice indicated that in some cases the limit was exceeded.

³³ See [A/75/44](#), annex III.

³⁴ The Chairs thought it would be unhelpful to impose a limit of 3,300 words for concluding observations on periodic reports.

³⁵ See [A/74/256](#), annex III.

another treaty body, with a view to ensuring coherence across treaty body output, or at a minimum, that diverging positions are justified;

(e) Internal guidelines should be developed in a coordinated manner for the drafting of lists of issues prior to reporting and of concluding observations common to all committees.³⁶

C. Interaction with stakeholders

Decisions and recommendations of the Chairs

21. Within the context of reporting procedures, the suggested formats for alternative reports will be aligned, as will the deadline for their submission and the scheduling of private meetings. Private meetings may be conducted by videoconference, if necessary.³⁷

22. The Chairs have endorsed recommendations in relation to the participation of national human rights institutions in all their procedures³⁸ based on the proposed common approach to engagement with national human rights institutions.³⁹

Elements considered and/or endorsed by the Chairs

23. The Chairs have considered and endorsed elements of a common approach to engagement with national human rights institutions.⁴⁰

Outstanding issues

24. Issues that remain outstanding include the following:

- (a) There is no common format for alternative reports;
- (b) Deadlines for submitting alternative reports are not harmonized;
- (c) Scheduling of private meetings require further discussion;
- (d) Modalities for sharing information and interacting with United Nations agencies and United Nations country teams require further discussion.

D. Reporting cycle

Decisions and recommendations of the Chairs

25. The committees monitoring the implementation of the Covenants (Committee on Economic, Social and Cultural Rights and Human Rights Committee) will review countries on an eight-year cycle and will synchronize the timing of their reviews. The committees monitoring the implementation of the core human rights conventions will review countries on a four-year cycle, unless the provisions of a particular convention provide otherwise.⁴¹

26. The Chairs conveyed to the co-facilitators the decisions taken by the committees that monitor the implementation of the core human rights conventions to establish a predictable review cycle for all States parties in accordance with a fixed review schedule, whether reporting or not reporting, and to consider replacing every second review with a focused review, which could consist of an in situ visit by one member of the treaty body with one member of the Secretariat to engage with the State party.⁴²

³⁶ Ibid., annex II (k).

³⁷ See [A/74/256](#), annex III.

³⁸ [A/72/177](#), para. 46.

³⁹ See [HRI/MC/2017/3](#).

⁴⁰ Ibid.

⁴¹ [A/74/256](#), annex III.

⁴² [A/75/346](#), para. 46 (h); see also para. 46 (j).

E. Format of concluding observations

Decisions and recommendations of the Chairs

27. The Chairs have endorsed the framework for concluding observations,⁴³ to be applied flexibly.⁴⁴

28. The Chairs have endorsed the format of concluding observations.⁴⁵

Elements considered and/or endorsed by the Chairs

29. In their report, the co-facilitators considered that further steps could and should be taken to ensure that concluding observations and follow-up recommendations were short, focused, concrete, prioritized and implementable, balancing immediate with longer term priorities and objectives, and that, to that end, common guidelines should be developed.⁴⁶

Good practices

30. The Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women have adopted or endorsed the framework for concluding observations adopted by the Chairs.

F. Follow-up to concluding observations

Decisions and recommendations of the Chairs

31. All treaty bodies engaging in follow-up to concluding observations will adhere to the process previously endorsed by the Chairs in its report entitled “Procedures of the human rights treaty bodies for following up on concluding observations, decisions and views”,⁴⁷ with a maximum of four urgent recommendations being selected by each committee from the concluding observations, and the State party will be requested to respond to follow-up within a fixed period from the date of the review.⁴⁸

32. The Chairs have further recommended that treaty bodies consider recommending to States that they establish national mechanisms for reporting and follow-up, considering that the States that have established such national mechanisms have increased their ability to report to and engage with the international and regional human rights systems.⁴⁹

Elements considered and/or endorsed by the Chairs

33. Possible elements for a common aligned procedure for follow-up to concluding observations were put forward for discussion⁵⁰ and endorsed at the thirtieth meeting of Chairs:⁵¹

(a) Concluding observations should identify through a standard paragraph the recommendations for follow-up, with the timeline, without the need for a separate letter or document;

(b) Concluding observations should expressly invite the State party to inform the committee about its plans for implementation, within the ongoing reporting cycle, of all the recommendations in the concluding observations;

⁴³ [A/69/285](#), annex II.

⁴⁴ *Ibid.*, para. 106.

⁴⁵ See [HRI/MC/2014/2](#).

⁴⁶ [A/75/601](#), annex, para. 47.

⁴⁷ [HRI/MC/2018/4](#).

⁴⁸ [A/74/256](#), annex III.

⁴⁹ [A/71/270](#), para. 81.

⁵⁰ [HRI/MC/2018/4](#), para. 11.

⁵¹ [A/73/140](#), annex II.

(c) One standard reminder should be sent to the State party concerned if a response has not been received by the due date;

(d) The type of recommendations targeted for follow-up should be those that are specific, measurable, achievable, realistic and time-bound. In addition, they need to be serious, urgent and/or protective and implementable within the relevant time frame. This list is not intended to be exhaustive;

(e) The time frame should be the same for all committees. In principle, the time frame for receiving additional information on implementation of specific recommendations should be one or two years;

(f) The number of recommendations for follow-up should be limited, ideally to between two and four;

(g) One cycle – this means that the rapporteur, coordinators and/or committee will evaluate only once the follow-up submission(s) from the State have been received. In the course of such evaluation or assessment, the rapporteur, coordinators, and or committee may request additional information or clarification, and the reply thereto will be considered as part of the State party's next periodic report and/or be taken into account in the next dialogue (reporting) with the State party;

(h) The assessment criteria and the grading system remain within the purview of the follow-up rapporteur/coordinators/committee. A qualitative assessment of the information provided and of the implementation should be carried out using common benchmarks identified as A, B, C, D and E, with A being the most satisfactory in terms of quality of information provided and action taken, and E being the least satisfactory – when there has been no response or if measures taken are contrary to the recommendation. The rationale and the assessment of the committee should be made public;

(i) The Secretariat currently lacks resources to prepare summaries of follow-up reports or submissions. The Secretariat will post submissions as received on the Internet, and it will be the responsibility of the follow-up rapporteur, coordinators and/or committee to prepare a draft assessment letter. The Secretariat will send the final assessment letter and reminder, as necessary, to the relevant permanent mission;

(j) The Secretariat currently lacks resources to prepare separate follow-up progress reports. Follow-up information, including reports of States parties, will be posted as received on the Committee websites, cross-referencing the concluding observations. Submissions by national human rights institutions, non-governmental organizations and other stakeholders will also be posted as received on a dedicated website. The suggested limit for each submission is 3,500 words. In their report, the co-facilitators noted that the implementation of recommendations formulated in concluding observations 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.⁵²

Good practices

34. Good practices that have been identified include the following:

(a) Establishing a follow-up procedure and a rapporteur or rapporteurs on follow-up (implemented by all treaty bodies);

(b) Identifying the recommendations for follow-up in a standard paragraph that includes the timeline and the criteria used for the selection of those recommendations, and establishing a maximum of four recommendations for follow-up;

(c) Including in a standard paragraph a recommendation that States establish national mechanisms for reporting and follow-up, in line with the Chair's recommendation and the co-facilitators' report.

⁵² [A/75/601](#), annex, para. 46.

Outstanding issues

35. Issues that require further discussion or clarification include the following:
- (a) Alignment of grading systems;
 - (b) Alignment of the time frame;
 - (c) In the case of the Committee on Enforced Disappearances, clarification regarding the connection between the follow-up procedure and the procedure entailing the submission of additional information under article 29 (4) of the International Convention for the Protection of All Persons from Enforced Disappearance.

II. Intersessional work**Decisions and recommendations of the Chairs**

36. Bearing in mind that many committees already carry out some specific tasks and mandated activities intersessionally, that is, outside their formal in-person meeting time, the Chairs have agreed to apply those best practices and lessons learned, in addition to those of committees that have held sessions online owing to the circumstances surrounding the coronavirus disease (COVID-19) pandemic, to plan for the contingency of not being able to hold in-person meetings.⁵³

Good practices

37. Good practices that have been identified include the following:
- (a) Intersessional adoption of lists of issues prior to reporting (Committees with no entitlement to a pre-sessional working group for the adoption of list of issues prior to reporting: Committee on the Elimination of Racial Discrimination, Human Rights Committee and Committee against Torture and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families);
 - (b) Intersessional consideration of individual communications (both on admissibility and on the merits) prior to the final consideration by the treaty body. Only the Human Rights Committee and the Committee on the Elimination of Discrimination against Women have established working groups on individual communications; the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child may establish such working groups subject to the availability of financial and staff resources to support them;
 - (c) Organization of intersessional consultations on draft general comments.

Outstanding issues

38. Issues that require further discussion include the following:
- (a) Daily subsistence allowance: In accordance with the note by the Secretariat on administrative arrangements for experts of December 2019,⁵⁴ an expert who resides at the place of the meeting shall receive a daily subsistence allowance at 20 per cent of the usual rate for each full day of attendance to cover incidental expenses. Treaty body experts are currently working online from their places of residence, which are also their meeting places during the COVID-19 pandemic. That portion of the daily subsistence allowance, in addition to the actual costs incurred by treaty body experts in connecting to online platforms that require a high-speed Internet connection, or specific equipment, which represent the extra costs incurred by treaty body experts due to the fact that they are working from home, should be disbursed and budgeted for;⁵⁵

⁵³ A/75/346, para. 46 (r).

⁵⁴ United Nations and OHCHR, *Handbook for Human Rights Treaty Body Members* (December 2015), annex II.

⁵⁵ A/75/346, para. 46 (t).

(b) Reasonable accommodation: 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 otherwise accessible to persons with disabilities. This is an issue of reasonable accommodation, as provided for in the Convention on the Rights of Persons with Disabilities, and is also in accordance with the recently adopted United Nations system-wide policy on disability inclusion.⁵⁶

III. Remedies

Decisions and recommendations of the Chairs

39. The Chairs agreed that there was a need to compare the jurisprudence of the respective treaty bodies, 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.⁵⁷

40. The Chairs decided to identify common elements with respect to the practices in the area of remedies in the different treaty bodies.⁵⁸

Elements considered and/or endorsed by the Chairs

41. Possible elements of a common aligned procedure for follow-up to decisions and views that were proposed and endorsed by the Chairs include the following:

(a) 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, which: (i) requests the identification of the domestic authority or contact person specifically in charge of coordinating the implementation of views; and (ii) requests the identification of the competent authority, in particular with respect to the remedy sought by the committee, if applicable;

(b) 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;

(c) The time frame for comments by the author of the communication on the State party's response should be three months;

(d) States parties should systematically be requested to provide updates on implementation during the dialogue (reporting phase), as is currently the practice.⁵⁹

42. Participants at the expert meeting on follow-up to treaty body recommendations, held on 26 and 27 October 2017 in Geneva, suggested that follow-up to views be reorganized, country by country, in a common database for all United Nations treaty bodies.⁶⁰

Good practices

43. Good practices that have been identified in the area of decisions and views include the following:

⁵⁶ Ibid., para. 46 (u).

⁵⁷ [A/71/270](#), para. 37.

⁵⁸ [A/72/177](#), para. 51. See also [HRI/MC/2018/3](#), para. 90.

⁵⁹ See [A/73/140](#), annex II, and [HRI/MC/2018/4](#), para. 12.

⁶⁰ See the conference room paper of the Secretariat on the expert meeting on follow-up to treaty body recommendations, p. 3. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1248&Lang=en.

- (a) A largely similar formulation and consistent terminology are used across treaty bodies;
- (b) Author(s) are requested to include expected measures of reparation in their individual communication;
- (c) All relevant committees formulate victim-specific as well as general recommendations;
- (d) Efforts are made towards more specific, detailed recommendations, especially those related to the victim;
- (e) Efforts are made to link the follow-up to views with the reporting procedure, in order to address the non-cooperation of States parties concerned;
- (f) Guidance on measures of reparation has been developed and can be drawn upon.

Outstanding issues

44. Outstanding issues include the following:
- (a) Common guidance needs to be prepared, based on existing documents;
 - (b) Assessment criteria and grading systems need to be aligned;⁶¹
 - (c) The link between follow-up to views and the reporting procedure needs to be developed, as well as proposals on how to address any non-cooperation of the States parties concerned;
 - (d) A digital case-management system that will also host standard templates for communication with authors and the States parties concerned and generate, among other things, automatic timelines and reminders, needs to be developed.

IV. Inquiries and country visits

Decisions and recommendations of the Chairs

45. 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), is essential to ensure a victim-oriented approach.⁶²

46. The Chairs have decided to further pursue a dialogue on the practices in the area of inquiries in order to promote increased alignment of the working methods of those treaty bodies with a mandate to conduct inquiries.⁶³

Elements considered and/or endorsed by the Chairs

47. The following elements have been considered and/or endorsed by the Chairs:
- (a) The United Nations High Commissioner for Human Rights recommended that the treaty bodies issue common written guidelines on procedural matters related to the conduct of inquiries;⁶⁴
 - (b) The Chairs discussed harmonization of their procedures and practices in relation to inquiry procedures at their twenty-eighth and twenty-ninth meetings, including

⁶¹ Ibid., para. 6.

⁶² A/71/270, para. 39.

⁶³ A/72/177, para. 52.

⁶⁴ A/66/860, p. 71.

issues related to the threshold to trigger an inquiry, confidentiality, sources of information and follow-up to inquiries;⁶⁵

(c) The treaty bodies have discussed challenges relating to confidentiality vis-à-vis other treaty bodies and mechanisms and the risk of duplication;⁶⁶

(d) As suggested by the participants at the 2016 workshop on inquiries, the treaty bodies could develop guidelines as a means of harmonizing the criteria applied by treaty bodies when establishing thresholds for inquiries;⁶⁷

(e) There seems to be an agreement that, in order to prevent reprisals, the “do no harm” principle should guide treaty bodies at all stages of the inquiry proceedings, including with regard to the protection of the source of the information, victims and witnesses interacting with the committees;⁶⁸

(f) As discussed by treaty bodies and suggested by the participants at the 2016 workshop on inquiries, a common protocol could be developed in relation to reprisals in the context of inquiries and country visits,⁶⁹ drawing upon existing practice and guidance;

(g) Procedures for engaging with sources could be harmonized across the relevant treaty bodies;⁷⁰

(h) Templates for communication with main actors,⁷¹ and guidelines on how committees should engage with non-State entities, particularly given the current global challenges in that regard, should be developed;⁷²

(i) Workshops and side events to encourage States parties to follow up on inquiry recommendations should be organized;⁷³

(j) Collaboration with relevant partners, such as United Nations country teams, national human rights institutions, the International Committee of the Red Cross, regional human rights mechanisms and relevant representatives of civil society, should be increased with regard to follow-up to inquiries;⁷⁴

(k) A common database (repository) should be established to share relevant information and guidelines to facilitate alignment of working methods;⁷⁵

(l) Inquiries and country visits should be strengthened institutionally through the designation of a focal point within the Human Rights Treaties Branch;⁷⁶

(m) The members of the group that participated in the 2016 workshop on inquiries (or committee focal points on inquiries) should be identified as a contact group on inquiries.⁷⁷

Good practices

48. Good practices that have been identified include the following:

⁶⁵ A/71/270, paras. 38–39; A/72/177, para. 52; and the conference room paper of the Secretariat on the workshop on the inquiries procedure, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1248&Lang=en.

⁶⁶ See the conference room paper of the Secretariat on the workshop on the inquiries procedure, para. 12.

⁶⁷ Ibid., para. 30 (g).

⁶⁸ Ibid., para. 13.

⁶⁹ Ibid., para. 30 (e).

⁷⁰ Ibid., para. 10.

⁷¹ Ibid., para. 30 (d).

⁷² Ibid., para. 30 (j).

⁷³ Ibid., para. 30 (b).

⁷⁴ Ibid., para. 30 (c).

⁷⁵ Ibid., para. 30 (f).

⁷⁶ Ibid., para. 30 (a).

⁷⁷ Ibid., para. 30 (i).

(a) Most inquiry reports have been published in full on the OHCHR website, as have observations received from States parties concerned and follow-up information received from alternative sources, in line with the relevant recommendation of the Chairs;

(b) Guidance on the protection of victims and witnesses has been developed and can be drawn upon;

(c) A consent form has been developed for use in country visits of the Committee on Enforced Disappearances, setting out 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 (with other United Nations mechanisms, competent national authorities, and/or regional and international courts).

Outstanding issues

49. Issues that remain outstanding include the following:

(a) The question of how to protect the information gathered against security breaches needs to be discussed;

(b) It should be clarified that the rapporteur on reprisals should be responsible for dealing with letters of allegations relating to reprisals;

(c) Practices in relation to the issue of non-cooperation of States parties vary across treaty bodies. This issue could be further discussed with a view to exchanging good practices and considering streamlining such practices;

(d) The question of how to strengthen the follow-up process needs to be discussed.

V. General comments

Decisions and recommendations of the Chairs

50. The Chairs have endorsed a common methodology for the elaboration of and consultations on general comments.⁷⁸

VI. Reprisals

Decisions and recommendations of the Chairs

51. The Chairs have unanimously endorsed the Guidelines against Intimidation or Reprisals (San José Guidelines).⁷⁹

52. The Chairs have:

(a) Reiterated their invitation to treaty bodies that had not yet done so to establish a rapporteur or focal point on intimidation and reprisals;⁸⁰

(b) Encouraged such rapporteurs or focal points to align the approaches taken to enhance consistency across treaty bodies, including through meetings as appropriate.⁸¹

53. The Chairs have recommended that treaty bodies make information about reprisals available on their websites.⁸²

Good practices

54. Good practices that have been identified include the following:

⁷⁸ A/70/302, paras. 90–91.

⁷⁹ Ibid., para. 41.

⁸⁰ Ibid., para. 96.

⁸¹ A/71/270, para. 89.

⁸² A/73/140, para. 76.

(a) Good information-sharing between OHCHR and the rapporteurs and focal points on reprisals has been established;

(b) The agenda of the annual meeting of the Chairs includes a standing agenda item during which opportunities and challenges in the area of intimidation and reprisals are discussed.

Outstanding issues

55. Further exchanges between focal points or bureaux and rapporteurs on reprisals should be organized.
