



International Covenant on Civil and Political Rights

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Human Rights Committee

Note by the Human Rights Committee on the procedure for follow-up to concluding observations*

Introduction

1. The Committee, in accordance with article 40 (1) (b) of the Covenant, may prepare follow-up reports to concluding observations based on the reports submitted by States parties to the Covenant with a view to assisting them in fulfilling their obligations under the Covenant.

2. The Committee initiated the process of follow-up to concluding observations in 2001. In 2002, the inter-committee meeting of the human rights treaty bodies recommended that all treaty bodies should develop procedures for follow-up on concluding observations.¹ In 2009, it re-emphasized this recommendation, stating that follow-up procedures were an integral part of the reporting procedure.² Rule 75 of the rules of procedure outlines the procedure for follow-up to concluding observations.³ In addition, the Committee has defined guidelines on the follow-up process encompassed in the present note, which was adopted by the Committee at its 133rd session, reflecting the practice developed by the Committee.

Special Rapporteurs for follow-up on concluding observations

3. When adopting concluding observations, the Committee may request the State party to provide the Committee with follow-up information on certain aspects of its observations. For that purpose, the Committee may designate one or more of its members as rapporteur(s) to follow up with the States parties on their implementation of the concluding observations. At its 108th session, held in July 2013, the Committee decided to designate a Special Rapporteur and a Deputy Special Rapporteur for follow-up on concluding observations. The Special Rapporteur and the Deputy Special Rapporteur are designated by the Committee every two years.

4. The follow-up rapporteurs assess the information provided by States parties and other stakeholders and report to the Committee with regard to the information received on the steps taken to meet the recommendations. The follow-up report is presented and adopted in a public meeting of the plenary.

* The note on the procedure for follow-up to concluding observations was initially adopted by the Committee at its 108th session. The current version of the note was adopted at the 3830th meeting, during the Committee's 133rd session.

¹ HRI/ICM/2002/3, para. 69.

² A/65/190, annex I, para. 40.

³ CCPR/C/3/Rev.12.



Criteria for selecting follow-up recommendations and time frame

5. The Committee has established two main criteria for selecting the recommendations to be included in the follow-up procedure:

- (a) The recommendation is implementable within three years of its adoption;⁴
- (b) The recommendation requires attention because of either the gravity or the urgency of the situation. A situation is considered urgent when:
 - (i) The lack of action constitutes a major obstacle to the implementation of the Covenant;
 - (ii) The lack of action could threaten the life or security of one or more persons;
 - (iii) The issue has been pending for a long time and has not been addressed by the State party.

Number of follow-up recommendations

6. The Committee selects three recommendations on average from the concluding observations to be considered in the follow-up procedure. The selected recommendations are indicated in the Committee's concluding observations.

Deadline for the submission of information from the State party on follow-up to the concluding observations

7. States parties have three years to provide information on the selected recommendations. The information submitted by States parties in the context of the follow-up procedure is referred to as "information received from the State party on follow-up to the concluding observations".

Guidelines for States parties on drafting information on follow-up to concluding observations

8. When sending concluding observations to the States parties, the Committee provides guidelines on the drafting of information on follow-up to the concluding observations. The guidelines, which are also posted on the web page of the Committee, are as follows:

- (a) The information should be concise and focus only on the recommendations identified by the Committee in the framework of the follow-up procedure;
- (b) The information should in general not exceed 3,500 words;
- (c) The State party should provide information on all the measures taken after the issuance of the concluding observations relating to the respective recommendations, specifying their dates of adoption and status of implementation;
- (d) The information should be submitted within the deadline stipulated in the concluding observations (three years after the adoption of the concluding observations);
- (e) The State party should submit the information in one of the official languages of the United Nations;
- (f) The State party should send the information in Word format to the following email address: ohchr-ccpr@un.org.

⁴ In accordance with the predictable review cycle, which is based on an eight-year review cycle. The information is requested within three years and assessed in the course of the fourth year after the adoption of the concluding observations.

Deadline for the submission of information received from stakeholders on follow-up to concluding observations

9. The Committee welcomes information on the selected recommendations by all stakeholders, including non-governmental organizations, national human rights institutions and regional organizations. The information submitted by stakeholders in the context of the follow-up procedure is referred to as “information received from stakeholders on follow-up to the concluding observations”.

10. The deadline for submission of information by stakeholders is posted on the Committee’s web page, in the section dedicated to each session. The deadline is normally three months before the Committee’s consideration of the report on follow-up to the concluding observations. However, two non-mutually exclusive options are available:

(a) *Information from stakeholders provided before the submission of information by the State party on follow-up to the concluding observations:* If stakeholders wish to comment on the implementation of the selected recommendations without taking into account the information provided by the State party, they can do so at any time before the expiration of the three-year deadline by which the State party is expected to submit information. If stakeholders provide information and the State party fails to do so, the information provided will be mentioned in the subsequent follow-up table,⁵ but will not be assessed until the Committee receives information from the State party (see paras. 24–26 below for information on measures taken in the absence of information from the State party);

(b) *Information from stakeholders provided after the submission of information by the State party:* Stakeholders wishing to provide specific comments on the information provided by the State party should submit those comments after the submission of information by the State party and prior to the deadline posted on the Committee’s web page.

Guidelines for stakeholders on drafting information on follow-up to concluding observations

11. The guidelines for stakeholders on drafting information on follow-up to concluding observations are as follows:

(a) Stakeholders should provide relevant information on the measures taken by the State party to implement the follow-up recommendations;

(b) The information should be concise and focus only on the recommendations selected by the Committee in the framework of the follow-up procedure;

(c) The information should not exceed 3,500 words;

(d) Stakeholders should submit the information in one of the official languages of the United Nations;

(e) Stakeholders should send the information in Word format to the following email address: ccpr@ohchr.org.

12. Guidelines on drafting such information are posted on the website of the Committee.

Report on follow-up to the concluding observations of the Human Rights Committee

13. The report on follow-up to the concluding observations of the Committee comprises the main report, the addenda and the follow-up table. The main report and the addenda are subject to a limit of 10,700 words. All three components are posted on the Committee’s web page.

⁵ The status of the follow-up to concluding observations adopted by the Committee since its 105th session, held in July 2012, is outlined in a table available on the Committee’s web page.

1. Main report

14. The main report contains a general introduction and the list of the assessment criteria.

2. Addenda

15. Each addendum contains a summary of the information received by the Special Rapporteur for follow-up on concluding observations from the State party and stakeholders during the period under consideration, the Committee's evaluations and the recommended action adopted during the corresponding session.

16. The summaries contain relevant information provided by the State party and stakeholders. The Committee's evaluations are based on the assessment criteria adopted by the Committee to monitor the implementation of follow-up recommendations (see para. 21 below). At the end of the report, the Committee makes recommendations on action that the State party should take to ensure the effective implementation of the recommendations assessed under the follow-up procedure.

17. Each addendum has the following structure:

Evaluation of the information on follow-up to the concluding observations on [name of State party]

<i>Concluding observations (number of session):</i>	Document symbol of the concluding observations and date of adoption
<i>Follow-up paragraphs:</i>	Paragraph numbers of the selected recommendations
<i>Information received from State party:</i>	Document symbol of the follow-up information from the State party
<i>Information received from stakeholders:</i>	Name of stakeholder and date of receipt
<i>Committee's evaluation:</i>	Paragraph numbers and Committee's assessment

Text of the first follow-up paragraph. The whole recommendation is reproduced.

Summary of information received from the State party

Summary of information received from stakeholders

Committee's evaluation

Evaluation of the Committee with regard to the paragraph under consideration, including an assessment on the basis of the application of the criteria.

The same information is provided for each of the follow-up paragraphs.

Recommended action: Description of the measure(s) recommended by the Committee.

Next periodic report due: Year (as decided in the last paragraph of the concluding observations under consideration).

3. Follow-up table

18. The follow-up table outlines the status of the follow-up to concluding observations adopted by the Committee since its 105th session, held in July 2012.

Procedure for adoption of the report on follow-up to the concluding observations

19. The secretariat drafts a preliminary analysis of all information received. Once that has been reviewed and approved by the Special Rapporteurs for follow-up on concluding observations, it is included in the follow-up report, which is discussed and adopted at the subsequent session of the Committee, in a public meeting of the plenary. The Committee adopts three follow-up reports each year (one at each session).

Criteria for the assessment of the implementation of follow-up recommendations

20. The Committee assesses the nature and impact of the measures taken to implement the selected recommendations when reviewing the information received from the State party and the stakeholders.

21. During the 118th session, in October 2016, the Committee revised the criteria it had been using to assess the follow-up information it received. The information is assessed in accordance with the following grading system:

Assessment of information received from States parties

- A Information/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee. In this case, the Committee may request additional information from the State party to be provided in the next periodic report.
- B Information/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. In this case, the Committee requests additional information to be provided in the next periodic report, on specific points of the State party's previous reply that require clarification, or on additional steps taken by the State party to implement the recommendation.
- C Information/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation. Information provided by the State party that reiterates information previously made available to the Committee prior to the concluding observations is considered not relevant for these purposes. The Committee renews the request for information on steps taken to implement the recommendation.
- D No cooperation with the Committee:** No information has been received from the State party. The State party has not replied with the deadline, nor after it has received the reminder sent by the Special Rapporteur for follow-up on concluding observations.
- E Information or measures taken are contrary to or reflect rejection of the recommendation:** The State party adopted measures that are contrary to or have results or consequences that are contrary to the recommendation of the Committee or reflect rejection of the recommendation.
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22. Some recommendations cover several points or issues. In such cases, it is common that more than one grade is given to the assessment of a recommendation, in order to differentiate the aspects that have been implemented from those on which additional action or information is requested and from those that have not been addressed.

23. After the adoption of the follow-up report, the Special Rapporteur for follow-up on concluding observations sends a letter to the State party, reflecting the analysis and decision adopted by the Committee. The State party is requested to provide information in its next periodic report.

Measures taken in the absence of information from the State party

24. When a State party does not provide information on follow-up to the concluding observations, a reminder is sent.

25. If the Committee receives no information after the reminder, the Special Rapporteur for follow-up on concluding observations may request a meeting with the State party, to be organized by the Secretariat.

26. If no reply is received, the State party is given a D assessment in the subsequent follow-up report. The Committee will also make reference to this lack of cooperation during the dialogue concerning the State party's next periodic report and in the next concluding observations adopted for the State party.
