



International Covenant on Civil and Political Rights

Distr.: General
21 October 2013

Original: English

Human Rights Committee

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

Introduction

1. The Human Rights Committee initiated the process of follow-up to concluding observations in 2001. In 2003, the inter-committee meeting of the human rights treaty bodies recommended that all treaty bodies should examine the possibility of setting up a procedure of follow-up to concluding observations; in 2009, it re-emphasized this recommendation, stating that follow-up procedures were an integral part of the reporting procedure.
2. Since then, the Committee has defined rules and guidelines on the development of the follow-up process. The present document, adopted by the Committee at its 108th session, is aimed at systematizing the practice developed.

The Special Rapporteur for follow-up to concluding observations

3. The Human Rights Committee has one mandate holder in charge of the follow-up procedure: the Special Rapporteur for follow-up to concluding observations. The Special Rapporteur centralizes the functions of the mandate. However, a Deputy Special Rapporteur is nominated to intervene, at the request of the Special Rapporteur, whenever necessary (for example, if the Special Rapporteur is unavailable, or when he or she is not in a position to deal with a particular State party). The Special Rapporteur and the Deputy are nominated by the Committee every two years.

Functions of the Special Rapporteur for follow-up to concluding observations

4. The mandate of the Special Rapporteur extends from the adoption of concluding observations to the discontinuation of the follow-up procedure (see paras. 25–28 below).
5. The Special Rapporteur analyses information provided by States parties on the recommendations included in the follow-up procedure, assesses its content and submits the analysis to the plenary of the Committee in the follow-up progress report.

* Adopted by the Committee at its 108th session (8–26 July 2013).

Criteria to identify follow-up recommendations

6. The Human Rights Committee has established two main criteria in selecting the recommendations to be included in the follow-up procedure (the “follow-up recommendations”):

- (a) The recommendation is implementable within a year after its adoption;
- (b) The recommendation requires immediate attention because of:
 - (i) The level of gravity of the referred situation;
 - (ii) The emergency of the situation. Such emergency occurs when:
 - The lack of intervention constitutes a major obstacle for the implementation of the Covenant
 - The lack of intervention could threaten the life or security of one or various persons, or
 - The issue has been pending for a long time and has not been addressed by the State party (for example, a bill has been pending adoption for an unreasonable length of time)

Number of selected recommendations

7. The Human Rights Committee includes a minimum of two and a maximum of four recommendations in the follow-up procedure. The recommendations under the follow-up procedure are indicated in the Committee’s concluding observations.

Deadline for the follow-up report of the State party

8. States parties have one year to reply to the selected recommendations. The first reply received from States parties in the context of the follow-up procedure is called the follow-up report.

Guidelines on the drafting of follow-up reports/follow-up replies by States parties

9. When sending the concluding observations to the States parties, the Committee provides guidelines to States parties on the drafting of follow-up reports/follow-up replies.¹ The guidelines, which are also posted on the web page of the Committee, are as follows:

- (a) The follow-up report shall be concise and focus on the recommendations identified by the Committee in the framework of the follow-up procedure only;
- (b) The follow-up report should in general not exceed a maximum length of 3,500 words;
- (c) The State party shall provide information on all the measures taken subsequent to the issuance of the concluding observations relating to the respective recommendations, specifying their dates of adoption and status of implementation;
- (d) The follow-up report shall be submitted within the deadline stipulated in the concluding observations, which will be one year after their adoption;
- (e) The State party shall submit the follow-up report in one of the official United Nations languages;

¹ Similar guidelines were adopted by the Committee on the Elimination of Discrimination against Women at its fifty-fourth session, in February 2013.

(f) The State party shall send an electronic version of its report in Word to the following e-mail address: ccpr@ohchr.org;

(g) When considering the follow-up report, if the Committee considers that further information is necessary, it will request the State party to provide additional information within a new deadline to be established by the Committee or to include the additional information in the next periodic report.

Deadline for the submission of follow-up reports by national human rights institutions, non-governmental organizations and other organizations

10. All stakeholders have one year after the adoption of the concluding observations to provide their comments to the Committee. However, two options should be distinguished:

(a) If stakeholders wish to comment on the implementation of the prioritized recommendations without taking into account the follow-up report of the State party, they can do so at any time before the expiration of the one-year deadline by which the State party is supposed to submit its follow-up report. If stakeholders provide information but the State party does not, the information provided will be mentioned in the subsequent follow-up table (it will however not be analysed until the receipt of the State party's report);

(b) Stakeholders, including non-governmental organizations (NGOs), wishing to provide specific comments to the reply submitted by the State party should be given a deadline of one month (from the posting of the State party's reply on the website) to do so. These deadlines must be clearly indicated on the web pages of the Committee.

Guidelines on the submission of follow-up reports by national human rights institutions, non-governmental organizations and other organizations

11. National human rights institutions, NGOs and other organizations can submit alternative follow-up reports. Guidelines on drafting such submissions are posted on the website of the Committee, and are as follows:

- Alternative follow-up reports shall be concise and focus on the recommendations identified by the Committee in the framework of the follow-up procedure only.
- Alternative follow-up reports shall in general not exceed a maximum length of 3,500 words.
- Stakeholders shall provide information on the measures taken by the State party to implement the follow-up recommendations subsequent to the issuance of the concluding observations, and assess their impact and coherence.
- Stakeholders shall submit their alternative follow-up reports in one of the official United Nations languages.
- Alternative follow-up reports shall be transmitted to the secretariat of the Committee in electronic format (Word) at the following e-mail address: ccpr@ohchr.org.

12. The Centre for Civil and Political Rights established a format for NGO reports that includes criteria of evaluation quite similar to those adopted by the Human Rights Committee in 2012. Contact information for the secretariat of the Human Rights Committee and for the Centre is provided on the website of the Committee.

Analysis of the follow-up reports/follow-up replies and follow-up progress report

13. Upon receipt of the State party's report, and once the deadline for information from other stakeholders has passed, the secretariat drafts a preliminary analysis of the report. The preliminary analysis includes the following points:

- (a) A summary of the information provided by the State party;
- (b) A summary of the information provided by other stakeholders;
- (c) A proposed evaluation;
- (d) A recommendation as to the action to be taken by the Committee in the context of the follow-up procedure.

14. Once the preliminary analysis is approved by the Special Rapporteur for follow-up to concluding observations, it is included in the follow-up progress report, which will be analysed, discussed and adopted at the subsequent session of the Committee, in a public meeting of the plenary. The Human Rights Committee adopts two follow-up progress reports per year (one at the March session and one at the October session).

15. The follow-up progress report reflects the information provided by all State parties that submitted their follow-up report during the period under consideration. The follow-up progress report is subject to a limit of 10,700 words and has the following structure:

Name of the State party considered under the follow-up procedure

Concluding observations	Document symbol of the concluding observations and date of adoption
Follow-up paragraphs	Number of the follow-up paragraphs included in the procedure
First reply from the State party	Due date and actual date of submission
Action taken by the Committee	Letters sent; meetings held with the State party
NGO information	NGO reports received
Text of the first follow-up paragraph. The whole recommendation part of the paragraph is reproduced.	
Summary of State party's reply	Summary drafted by the secretariat
Summary of NGO submissions	Summary drafted by the secretariat
Committee's evaluation	Analysis of the Committee with regard to the paragraph under consideration, including the assessment criteria applied
The same information is provided for each of the follow-up paragraphs	
Recommended action	Description of the measure recommended by the Special Rapporteur for follow-up to concluding observations and adopted by the Committee
	Options: <ul style="list-style-type: none"> • Letter to be sent to the State party • Request of a meeting with the State

Name of the State party considered under the follow-up procedure

party

- Follow-up procedure to be discontinued

Next periodic report

Due date (as decided in the last paragraph of the concluding observations under consideration)

Criteria to monitor the implementation of follow-up recommendations

16. When reviewing follow-up reports of States parties, the Committee assesses:

- (a) The degree of collaboration of the State party in the context of the procedure;
- (b) The nature and impact of the measures taken on the implementation of the selected recommendations.

17. In October 2011, the Human Rights Committee adopted a set of criteria to assess the replies received from States parties. These criteria were defined taking into account the need to reflect the variety of situations included in the follow-up reports and replies received. Their adoption also followed a process of consultation with NGOs involved in the follow-up process of the Committee (the consultation was carried out by the Centre for Civil and Political Rights²). The replies are assessed as follows:

Assessment of replies

Reply/action satisfactory

A Reply largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information required

Reply/action not satisfactory

C1 Reply received but actions taken do not implement the recommendation

C2 Reply received but not relevant to the recommendation

No cooperation with the Committee

D1 No reply to one or more of the follow-up recommendations or part of a follow-up recommendation

D2 No reply received after reminder(s)

² The criteria adopted by the Centre for Civil and Political Rights did not include reference to the level of collaboration of the State party in the context of the procedure. Such criteria remain important for the Committee to be able to signal the situation of States parties that do not collaborate with the procedure.

The measures taken are contrary to the recommendations of the Committee

E The reply indicates that the measures taken go against the recommendations of the Committee

18. During the evaluation of the replies, the criteria are applied as follows:

- **Reply/action satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee [A]; in this case, the Special Rapporteur for follow-up to concluding observations requests no additional information from the State party and the follow-up procedure on the issue is discontinued.
- **Reply/action partially satisfactory:** The State party took some steps towards the implementation of the recommendation but additional information remains necessary [B1], or the State party needs to take further action and provide information to the Committee in that regard [B2]. In this case, the Special Rapporteur for follow-up to concluding observations requests additional information, within a specific time frame or in the next periodic report, on specific points of its previous reply that require clarification, or on additional steps taken by the State party to implement the recommendation.
- **Reply/action not satisfactory:** The State party has taken no action to implement the recommendation [C1] or the action taken has not addressed the situation under consideration [C2]. In this case, the Special Rapporteur for follow-up to concluding observations renews the request for information on steps taken to implement the recommendation.
- **No cooperation with the Committee:** The State party has not replied within the deadline, or the State party has not provided information on the measures taken for the implementation of one of the follow-up recommendations [D1], or the State party has not provided information despite the reminder(s) sent by the Special Rapporteur [D2].
- **The measures taken are contrary to the recommendations of the Committee:** The State party adopted measures that are contrary or have results contrary to the recommendation of the Committee [E].

19. Some recommendations cover various points or issues. In such cases, it is common that more than one criteria assessment is applied to one recommendation, in order to differentiate the aspects that have been implemented from those on which additional action or information are requested and from those that have not been addressed.

Follow-up letters sent to the State party by the Special Rapporteur for follow-up to concluding observations and follow-up replies

20. After the adoption of the follow-up progress report, the Special Rapporteur for follow-up to concluding observations sends letters to the State party, reflecting the analysis and decision adopted by the Committee. In most cases, additional action and/or information is requested from the State party. The letter sent to the State party then specifies the pending issues. Such letters shall be sent not later than three weeks after the end of the session. The replies received from States parties to the letters are called follow-up replies. Follow-up letters should systematically specify the deadline for the reply.

21. States parties are requested to send follow-up replies at least one week before the beginning of the subsequent session, so that the Committee can take the replies into account and include them in the follow-up table (thereby avoiding the sending of unnecessary

reminders). This deadline also enables the secretariat to send the replies to translation on time so that they can be analysed at the following session.

Measures taken in the absence of a report or reply by the State party

22. When a State party does not provide its follow-up report or reply, reminders are sent (a first reminder at the session following the session at which the follow-up report was expected; a second reminder if no reply is received after the first reminder).

23. If after the second reminder no reply is received by the Committee, the Special Rapporteur for follow-up to concluding observations sends a letter to the State party requesting a meeting, to be organized by the secretariat and held during the subsequent session.

24. If no reply is sent despite the reminders, the Committee shall make reference to this lack of collaboration during the dialogue and in the next concluding observations adopted for the State party ("The Committee regrets that the State party did not provide any report/reply to the letter sent to the State party dated [XXXX] under the follow-up procedure to concluding observations.").

Discontinuation of the follow-up process

25. The follow-up process can be discontinued under the following three circumstances:

(a) The Committee considers that the follow-up report/replies of the State party are satisfactory;

(b) The list of issues prior to reporting for the State party is due to be adopted within six months after the adoption of the follow-up progress report of the Special Rapporteur. In this case, the follow-up questions that have not been replied to by the State party must be included in the list of issues prior to reporting;

(c) The deadline for the next periodic report is within six months after the adoption of the follow-up progress report of the Special Rapporteur. In this case, the follow-up questions that have not been replied to by the State party will be automatically included in the list of issues.

26. To prevent the follow-up procedure overlapping with other steps in the reporting procedure, the former is systematically discontinued after two letters requesting additional information or action. In other words, the follow-up procedure shall systematically be discontinued after the provision of the State party's third substantive reply.

27. If the Committee then considers that the information provided is not satisfactory, the pending issues shall be included in the next list of issues or list of issues prior to reporting to be adopted with regard to the State party concerned.

28. In all such circumstances, the Committee should send a letter to the State party to inform it about the discontinuation of the follow-up procedure.