



## International Human Rights Instruments

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### **Twenty-fifth meeting of chairpersons of the human rights treaty bodies**

New York, 20–24 May 2013

Item 4 of the provisional agenda

**Follow-up to the recommendations of the twenty-fourth meeting  
of chairpersons of the human rights treaty bodies,  
including harmonization of the working methods  
and implementation of recommendations included in  
the report of the United Nations High Commissioner  
for Human Rights on the strengthening of the  
treaty body system (A/66/860)**

### **Report on the implementation by the treaty bodies of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860)**

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

##### *Summary*

As stated in the report of the Chairs of the human rights treaty bodies on their twenty-fourth meeting (A/67/222, para. 32 (c) and Corr.1), the chairpersons recommended that the Secretariat produce and regularly update an implementation report for consideration by the meeting of chairpersons in order to review progress and full implementation of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860), bearing in mind that the strengthening process was by definition a continuing one. The chairpersons also decided to include the issue of treaty body strengthening and, in particular, the implementation of the recommendations contained in the report of the High Commissioner, on the agenda of their next meeting.

The present report, prepared by the Office of the United Nations High Commissioner for Human Rights, contains a summary of the positions and decisions taken by the human rights treaty bodies with respect to follow-up given by the treaty bodies to the recommendations contained in the report of the High Commissioner on treaty body strengthening and to the Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines), as adopted by the chairpersons in 2012 (A/67/222, annex, and Corr.1).

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–4	3
II. Positions adopted by treaty bodies in relation to the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies.....	5–39	3
A. Human Rights Committee .....	5–10	3
B. Committee on Economic, Social and Cultural Rights .....	11	4
C. Committee on the Elimination of Racial Discrimination.....	12–16	4
D. Committee on the Elimination of Discrimination against Women .....	17–19	5
E. Committee against Torture .....	20–27	6
F. Committee on the Rights of the Child .....	28	6
G. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families .....	29–30	7
H. Committee on the Rights of Persons with Disabilities.....	31–33	7
I. Committee on Enforced Disappearances .....	34–36	8
J. Subcommittee on Prevention of Torture.....	37–39	8
III. Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines) .....	40–51	9

## **I. Introduction**

1. During the twenty-fourth annual meeting of the chairpersons of the 10 human rights treaty bodies, held in Addis Ababa from 25 to 29 June 2012, the chairpersons welcomed the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860). In her report, the High Commissioner described the problems faced by the treaty body system and put forward proposals for change.
2. At the same meeting, the chairpersons recommended that each treaty body carefully review the recommendations addressed to the treaty bodies in the report and compare them with their current working methods in order to determine what steps were required for their implementation. The chairpersons stressed that such implementation should be undertaken in coordination with the other treaty bodies and recommended that each treaty body keep the meeting of chairpersons informed on a biannual basis about the progress made.
3. The chairpersons also recommended that the Secretariat produce and regularly update an implementation report in that respect for consideration by the meeting of chairpersons in order to review progress and full implementation, bearing in mind that the strengthening process was by definition a continuing one. To that effect, the chairpersons decided to include the issue of treaty body strengthening and, in particular, the implementation of the recommendations contained in the High Commissioner's report on the agenda of their next meeting.
4. The present report contains a summary of the positions and decisions taken by the human rights treaty bodies with respect to follow-up given by the treaty bodies to the recommendations contained in the report of the High Commissioner for Human Rights on the strengthening of the human rights treaty body system and to the Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines), as adopted by the chairpersons (A/67/222, annex, and Corr.1).

## **II. Positions adopted by treaty bodies in relation to the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies**

### **A. Human Rights Committee**

5. The Human Rights Committee adopted a preliminary statement on treaty body strengthening on 12 July 2012, in which it welcomed the report of the High Commissioner and the acknowledgement by the Secretary-General in the foreword thereto that the treaty body system "is one of the greatest achievements in the history of the global struggle for human rights". The Committee recognized the merits of the proposal for a comprehensive reporting calendar while also acknowledging its challenging consequences and resource requirements.
6. The Human Rights Committee furthermore supported the recommendations in the report related to reprisals, common guidelines, the establishment of a jurisprudence database, the development of a handbook for Committee members, the standardization of procedures for the adoption of general comments, capacity-building, and enhancement of the visibility and accessibility of treaty bodies.
7. The Committee found the following proposals worthy of serious consideration: the simplified reporting procedure, submission of common core documents and regular updates, strict adherence to page limits, aligned methodologies for dialogue with States,

limited translation of summary records, more focused concluding observations, and enhanced engagement with United Nations partners.

8. The Human Rights Committee expressed reservations on the following proposals: a joint treaty body working group on communications, proposals regarding competence and election of members, and friendly settlements.

9. The Committee noted that the system was in need of strengthening, including through improved and sustained resourcing, without which certain proposals in the report could not be realized. It further considered that the report provided a good basis for progress by all stakeholders towards the strengthening of the treaty body system.

10. A number of members of the Committee held a retreat (22-24 April 2013), in The Hague, and considered several issues of importance to its work, including treaty body strengthening and the report of the High Commissioner for Human Rights in that regard. The resulting recommendations, in particular in relation to the Addis Ababa guidelines and to the comprehensive reporting calendar, will be presented to the Committee at its 108th session in July 2013.

## **B. Committee on Economic, Social and Cultural Rights**

11. The Committee on Economic, Social and Cultural Rights adopted a preliminary decision, on 30 November 2012, on the High Commissioner's report on strengthening the human rights treaty body system, in which it invited its members to formulate specific comments on the proposals contained therein, taking into account the nature and scope of its mandate, and to communicate those comments to the Committee's focal point by 1 March 2013. The Committee, during its fiftieth session (April–May 2013), continued its discussion of the proposals.

## **C. Committee on the Elimination of Racial Discrimination**

12. The Committee on the Elimination of Racial Discrimination adopted a statement on treaty body strengthening on 31 August 2012. In this statement, the Committee welcomed the report of the High Commissioner on treaty body strengthening and expressed appreciation for the efforts of the High Commissioner in that regard. The Committee found that the report identified a comprehensive range of recommendations aimed at strengthening the treaty body system based on a thorough three-year consultation process.

13. In its statement, the Committee supported the proposal for a comprehensive reporting calendar while underlining the need to ensure adequate financial and human resources as a prerequisite. It furthermore noted with interest the proposal for a simplified reporting procedure and noted that it had already adopted measures to simplify the reporting procedure through the use of treaty-specific guidelines and the list of themes.

14. The Committee underscored the importance of strict adherence to page limitations. While the Committee would consider further the idea of establishing country task forces and introducing strict limitations on the number and length of interventions by members, it expressed reservations about further limiting the length of States parties' opening statements. It also decided to consider further, at a later stage, the recommendation to reduce the translation of summary records.

15. The Committee further welcomed the recommendation to adopt short, focused and concrete concluding observations and highlighted the efforts it had already made in that regard. The Committee highlighted that it had already implemented many aspects of the proposal regarding the methodology for the constructive dialogue between States parties

and treaty bodies. Similarly, it was in favour of further institutionalizing the engagement with United Nations entities and civil society organizations and noted that it had already institutionalized its engagement with national human rights institutions through the amendment of its rules of procedure in 2007.<sup>1</sup> The Committee underlined that it would continue its practice of holding public meetings with civil society organizations to promote transparency, but would also continue to hold closed meetings when necessary or appropriate.

16. Lastly, the Committee drew attention to the improvements it was currently making to its follow-up procedure and expressed its readiness to further enhance procedures for follow-up to individual communications. The Committee also welcomed the proposal on friendly settlements.

#### **D. Committee on the Elimination of Discrimination against Women**

17. The Committee on the Elimination of Discrimination against Women held an informal retreat in Istanbul from 1 to 3 November 2012, during which it discussed the report of the High Commissioner on strengthening the human rights treaty body system and decided to refer the report, as well as the Addis Ababa guidelines, to its working group on working methods.

18. On 1 March 2013, the Committee adopted a statement in which it highlighted, *inter alia*, that the treaty body system had reached its limits with the present resources available, and that it might not be able to function on a sustainable basis because of the backlog of reports received and the high number of overdue reports. While underlining the importance of adequate resources, the Committee regretted that the issue of inquiries and their financial implications had not been included in the High Commissioner's report. The Committee furthermore stated that it had already implemented a number of the measures suggested in the report, including:

- Issuance of summary records in English only;
- Measures concerning the consideration of States parties' reports (for example, limitation of the number of questions in lists of issues and of the number of recommendations in and the length of concluding observations; focusing questions during the dialogue on the most important human rights issues and on States parties' follow-up to the previous concluding observations; the clustering of questions; allocation of speaking time to the State party delegation and to Committee members and use of a speech timer; and work in task forces);
- Simplification of follow-up procedures by reducing the number of selected recommendations and adopting clear guidelines;
- Adoption of standard operating procedures for conducting inquiries;
- Full incorporation of the Addis Ababa guidelines into the Committee's rules of procedure.

19. Furthermore, the Committee on the Elimination of Discrimination against Women has embarked on an assessment of its rules of procedure and working methods in relation to webcasting of the Committee's dialogues with States parties, which will be allowed on a trial basis; improving the country-specificity of concluding observations; systematically

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<sup>1</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18), annex IX.*

requesting information on the regulatory framework and national mechanisms for implementation of concluding observations; and institutionalizing engagement with a larger number of United Nations agencies and national stakeholders.

## **E. Committee against Torture**

20. The Committee against Torture issued a statement on 23 November 2012 on the report of the High Commissioner on the strengthening of the human rights treaty bodies. The Committee welcomed the report as well as the proposal to generalize the simplified reporting procedure, and noted that it was the first treaty body to initiate this procedure in 2007 through its new optional reporting procedure (lists of issues prior to reporting<sup>2</sup>).

21. The Committee agreed that establishing page limitations could save costs, and noted that it had already implemented such a proposal with respect to its concluding observations, lists of issues, and lists of issues prior to reporting. It noted further that it no longer requested the translation of its summary records.

22. The Committee noted the proposal for a comprehensive reporting calendar, but underlined that such a proposal required adequate financial and human resources as a prerequisite.

23. In its statement, the Committee also noted with interest the proposals for an aligned methodology for the constructive dialogue with States parties and for meetings with civil society, and stated that it would consider adopting written guidelines in that regard.

24. The Committee welcomed the proposal to establish a treaty body jurisprudence database as well as the recommendation to adopt short, focused and concrete concluding observations, noting the efforts it had already taken in this regard, and would endeavour to continue.

25. The Committee on Torture further supported the need to monitor and bring an end to reprisals against human rights defenders and, for this purpose, had established rapporteurs on reprisals, for the functions under articles 19 and 22 of the Convention respectively.

26. In its statement, the Committee further highlighted the importance of its follow-up procedure to concluding observations, and noted that it had appointed two follow-up rapporteurs since 2003, one on country reports and one on individual communications.

27. It furthermore welcomed the proposals to enhance the visibility and accessibility of treaty bodies and, in that regard, noted that since 2010 all public sessions involving dialogues with State party delegations had been webcasted in cooperation with non-governmental organizations.

## **F. Committee on the Rights of the Child**

28. The Committee on the Rights of the Child established, at its sixty-first session (September–October 2012), a working group to review its rules of procedure and working methods in the light of the High Commissioner's report on strengthening the human rights treaty bodies.

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<sup>2</sup> See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44)*, para. 23.

## **G. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**

29. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted a preliminary statement on the report of the High Commissioner on treaty body strengthening on 12 September 2012. The Committee supported in principle the measures proposed by the High Commissioner to strengthen and rationalize the treaty body system. The Committee recalled that it had already anticipated some of the key measures proposed in the High Commissioner's report. In particular, it had adopted:

- A reporting calendar designed to ensure compliance with reporting obligations by all States parties on an equal footing;
- An optional procedure allowing for lists of issues focused on priority issues to be adopted prior to the receipt of States parties' periodic reports in order to enable a simplified reporting procedure;
- Limitations of the number of questions raised in lists of issues as well as the number of words in concluding observations.

30. At its eighteenth session in April 2013, the Committee adopted all of the recommendations of the High Commissioner's report on treaty body strengthening, as well as the Addis Ababa guidelines.

## **H. Committee on the Rights of Persons with Disabilities**

31. The Committee on the Rights of Persons with Disabilities adopted a statement, on 28 September 2012, on the report of the High Commissioner on treaty body strengthening. In the statement, the Committee noted that in spite of being a relatively new committee, it had already accumulated a significant backlog of reports that it could not review in a timely manner due to severe resource constraints. Hence, the Committee agreed that a comprehensive solution should be found to the following issues: high levels of both compliance and non-compliance with reporting obligations, consistency and coherence of treaty body working methods, the accessibility of treaty bodies, and the resource challenge. The Committee considered that the report of the High Commissioner constituted an important step in that direction.

32. The Committee expressed support for the following proposals:

- Adoption of a comprehensive reporting calendar designed to ensure compliance with their reporting obligations by all States parties on an equal footing;
- Strict adherence to page limitations for all documents received from States parties as well as prepared by the treaty bodies;
- Use of updated common core documents;
- Systematization of the provision of searchable, indexed, and captioned webcasting in the official languages of the Committee;
- Formulation of focused concluding observations;
- Designation by all treaty bodies of a focal point on reprisals;
- Review of good practices regarding the application of rules of procedure and methods of work and adoption of common guidelines with regard to individual communications and inquiries;

- Review of follow-up procedures;
- Aligned consultation process for the elaboration of general comments/recommendations.

33. The Committee did not find merit in the establishment of a joint working group on individual communications.

## **I. Committee on Enforced Disappearances**

34. The Committee on Enforced Disappearances issued a statement, on 7 November 2012, on the report of the High Commissioner on treaty body strengthening, in which it welcomed the report and expressed appreciation for the efforts of the High Commissioner in that regard. The Committee noted that it had benefited from being the most recent treaty body to be established and that, for that reason, many of the proposals made in the High Commissioner's report were already reflected in its rules of procedure (CED/C/1) and its guidelines on the form and content of reports (CED/C/2).

35. The Committee considered that strict adherence to page limitations was important and in line with its reporting guidelines. It welcomed the recommendation to streamline the constructive dialogue with States, in particular the proposals to establish country task forces, to introduce strict limitations on the number and length of interventions, and to adopt short, focused and action-oriented concluding observations with a precise time frame and a follow-up procedure. It furthermore welcomed the recommendation to institutionalize its engagement with United Nations entities and civil society organizations as well as national human rights institutions, and noted that such engagement was already included in its rules of procedure. In addition, the Committee welcomed the proposal for an aligned consultation process for the elaboration of general comments and supported the recommendations on reprisals.

36. The Committee furthermore stressed the need for adequate resourcing, especially for conference services and translation of documents, in order to fulfil the mandate of the treaty bodies and to ensure full information and accessibility to victims.

## **J. Subcommittee on Prevention of Torture**

37. The Subcommittee on Prevention of Torture adopted a statement, in November 2012, in which it welcomed the vision and objectives of the report of the High Commissioner on treaty body strengthening and the consultation process supported by the Office of the United Nations High Commissioner for Human Rights. The Subcommittee furthermore welcomed recommendations aimed at ensuring a regular and consistent cycle of reporting by States parties to treaties. Any improvements of the reporting procedure to treaty bodies leading to more focused and concrete concluding observations would be of benefit to the whole United Nations human rights machinery.

38. The Subcommittee further expressed support for recommendations aimed at strengthening the capacity of States to implement the treaties and to increase the visibility and accessibility of treaty bodies with full respect for confidentiality requirements provided for under relevant treaties and rules of procedures.

39. The Subcommittee also noted that the level of additional resources proposed for the Subcommittee in the report of the High Commissioner was still inadequate to ensure that it would be able to visit all State parties sufficiently frequently, and stated its view that it should be in a position to do so on a cycle similar to the reporting cycles of other treaty

bodies. The Subcommittee also noted that support for its work in relation to national preventive mechanisms remained to be addressed.

### **III. Guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)**

40. The twenty-third meeting of chairpersons (30 June and 1 July 2011) decided to prepare and adopt guidelines on the independence and impartiality of treaty body members at their next meeting. At the twenty-fourth meeting of chairpersons (25–29 June 2012), the chairpersons endorsed the Guidelines on the independence and impartiality of members of the human rights treaty bodies. Thereafter all treaty bodies have taken action on these guidelines, as outlined below.

41. In her report on treaty body strengthening, the High Commissioner also recommended that treaty bodies adopt the Guidelines on independence and impartiality of treaty body members and include the guidelines as a full and integral part of their respective rules of procedure. She further recommended that all treaty bodies enforce the guidelines and take all necessary measures in case of a breach.

42. The Human Rights Committee adopted statements on treaty body strengthening both in March and July 2012, but did not express itself publicly on the Addis Ababa guidelines. However, at its 105th session (July 2012), the Committee discussed the guidelines and requested the Secretariat to prepare a paper on how they affected the Committee's own guidelines on independence and its rules of procedure.

43. The Committee on Economic, Social and Cultural Rights adopted, at its forty-ninth session (November 2012), a decision on the proposed guidelines on the independence and impartiality of members of the human rights treaty bodies, in which it took note with appreciation of the guidelines while also noting that there were substantial similarities between the existing practice of the Committee and the proposed guidelines.

44. The Committee on the Elimination of Racial Discrimination adopted, at its eighty-first session (August 2012), a decision on the Addis Ababa guidelines, in which it noted that the guidelines could provide a basis for further discussions, as appropriate. The Committee expressed strong support for the independence and impartiality of its members, and in that regard referred to its general recommendation No. 9 (1990) on the independence of experts.

45. The Committee on the Elimination of Discrimination against Women adopted a resolution on the Addis Ababa guidelines at its fifty-second session (July 2012). In the resolution, the Committee noted that the guidelines largely reflected the existing rules of procedure, decisions and practice of the Committee, and expressed its support in principle for the guidelines. In February 2013, at its fifty-fourth session, the Committee amended its rules of procedure to fully incorporate the Addis Ababa guidelines.

46. The Committee against Torture adopted, at its forty-ninth session (November 2012), a statement on the Addis Ababa guidelines in which it welcomed the initiative and recommended that the guidelines be considered by all committees. In the statement, the Committee also noted that the guidelines echoed and affirmed the Committee's own rules of procedure. The members of the Committee affirmed their strong support for the independence and impartiality of all its members, as affirmed in the Addis Ababa guidelines, and stated that they would further discuss ways to give effect to the guidelines during the fiftieth session of the Committee (May 2013), including by amending rule 14 of its rules of procedure.

47. The Committee on the Rights of the Child modified all its relevant rules of procedure to reflect the various elements of the Addis Ababa guidelines. The new and amended rules of procedure (CRC/C/4/Rev.3) further mention that the guidelines are an integral part of the rules of procedure of the Committee. The guidelines are also annexed to the rules of procedure.

48. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families welcomed the Addis Ababa guidelines in a decision adopted at its seventeenth session (September 2012). At its eighteenth session (April 2013), the Committee adopted all of the recommendations contained in the report of the High Commissioner on treaty body strengthening, as well as the Addis Ababa guidelines.

49. The Committee on the Rights of Persons with Disabilities adopted a decision on the Addis Ababa guidelines at its eighth session (September 2012) and decided to amend its rules of procedure by incorporating the guidelines.

50. The Committee on Enforced Disappearances adopted, at its third session (November 2012), a decision in which it welcomed the Guidelines on the independence and impartiality of members on the human rights treaty bodies and decided to incorporate the guidelines as an annex to its rules of procedure.

51. The Subcommittee on Prevention of Torture adopted, at its eighteenth session (November 2012), a statement on treaty body strengthening in which it stated that it had adopted the Addis Ababa guidelines (see CAT/C/50/2, para. 42).

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