



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellencies,

I wish to congratulate you on behalf of the Human Rights Committee on your appointment to serve as co-facilitators of the process of review of the human rights treaty body system, pursuant to Resolution 68/268 (2014). I am writing to you in order to bring to your attention recent developments in the working methods of the Human Rights Committee that might be relevant for reconsideration of certain aspects of the formula for allocation of meeting time adopted in Resolution 68/268.

As you are aware, the common position paper of all treaty body chairs on the future of the treaty body system, adopted during the 31<sup>st</sup> session of the meeting of chairs, in June 2019 (Annex III, A/72/256), called on all treaty bodies to adopt fixed review schedules, so as to ensure periodic review at regular intervals for all States Parties, reporting and non-reporting states. The Human Rights Committee has adopted on this basis, in its 123<sup>rd</sup> Session (July 2019) a Predictable Review Cycle, designating review times for all 173 States Parties to the ICCPR within an 8-year cycle.

We believe that the move to a predictable calendar has many advantages for all stakeholders, including States Parties, civil society and the Office of the High Commissioner, as it allows long-term planning, rational allocation of resources and a comprehensive protection of right holders, improving thereby the implementation of the Covenant. Moreover, the introduction of an 8-year cycle does not represent a major break from the existing practice of the Committee, since it currently reviews the large majority of States Parties within such a time frame.

Still, in order for the move to the Predictable Review Cycle to occur smoothly, we believe that it is advisable for the States Parties to review certain aspects of the formula for the allocation of meeting time adopted in Resolution 68/268. Under that formula, allocation of weeks for treaty body meetings for review of State reports is calculated on the basis of a backward-looking formula (calculating a bi-annual average of actual submissions based on the preceding four years), and not on the basis of forward-looking forecasting that is based on the number of countries slotted for review under the Predictable Review Cycle. Yet, this forecasting gap represents precisely the difference between review only of reporting States and review of all States parties, including late-reporting and non-reporting states, as will be the case under the Predictable Review Cycle. We therefore are of the view that, at least for those treaty bodies that have adopted a Predictable Review Cycle, the formula for allocation of meeting time should be based on a forward-looking and not a backward-looking formula. A similar call was made by the High Commissioner for Human Rights in her speech of 2 June 2020, where she noted that the “proposed Predictable Review Cycles would enable a forward-looking formula for the allocation of resources”.

H.E. Mr. Omar Hilale  
Permanent Representative of Morocco  
to the United Nations  
New York

H.E. Mr. Jürg Lauber  
Permanent Representative of Switzerland  
to the United Nations  
New York

It is noteworthy in this regard that many States parties have expressed in their interactions with the Committee and other treaty bodies support for increasing the predictability of the periodic review process. For example, such a position was expressed in the Non-Paper on the 2020 Review of the UN Human Rights Treaty Body System of 20 June 2019, which was endorsed by Costa Rica and more than 40 other state parties. The signatory State Parties called for increasing the predictability of the review and the predictability of resources.

I should note that in practical terms a move to a forward-looking formula would not entail a significant increase in resources allocated for the Human Rights Committee, yet it would facilitate an important reform that would allow the Committee to work more effectively. Under the existing backward-looking formula, the Committee should be allocated in the next biennium meeting time which would allow it to review 19 state reports per annum, whereas under the proposed forward-looking formula it would review 21.625 State reports (173 divided by 8). This would require the allocation of approximately 1.2 additional weeks of meeting time per annum and 90 days of work for OHCHR staff (equivalent to 0.5 additional staff members).

I would be happy to provide you with more information about the Committee's working methods and needs, and wish you success in your important task as co-facilitators of the treaty body system review process.

Sincerely,



Ahmed Fathalla  
Chair, Human Rights Committee

CC:  
Chairs of Treaty Bodies  
High Commissioner for Human Rights  
Members, Human Rights Committee