“Written contribution of the Chairs of human rights treaty bodies on the treaty body system review in 2020”

As discussed during the exchange between the co-facilitators to the treaty body review and the Chairs of the human rights treaty bodies on 28 July 2020, the Chairs are conveying in writing their priorities, concerns and proposals on how to strengthen the treaty body system effectively. The treaty body Chairs decided:

1. To reaffirm the framework of General Assembly resolution 68/268.
2. To support the continued implementation of the vision paper of the Chairs (Annex III. A/74/256).
3. To empower and strengthen the role of the Chairs to implement the agreed conclusion of the Dublin II Outcome document at the meeting of Chairs on 10-11 November 2011, namely, “treaty bodies should ensure that Committee Chairs are mandated to take decisions in respect of working methods and procedures, which are common across the treaty body system and have previously been discussed and agreed to within each of the Committees, with particular reference to reporting and individual communications procedures. Such a measure would be implemented by all treaty bodies, unless a Committee subsequently dissociates itself from it.” In addition, the Chairs decided that closer coordination between Chairs is required and will therefore meet more frequently on an online basis.
4. To encourage treaty bodies to continue to develop and align their methods of work so as to adjust them to the most recent needs and challenges.
5. That the formula contained in General Assembly resolution 68/268 needs to take into account the prospective work of treaty bodies, in light of the decision by both Covenant Committees to apply a calendar of reviews to ensure predictability and sustainability in adequately funding the treaty body system to fulfil its mandate. (See in annex separate letter from the Chair of the Human Rights Committee of 16 July 2020.)
6. That all Committees need to be provided with the necessary financial resources to allow them to fulfil their various mandated activities, including the review of State party reports, individual communications, urgent actions, inquiries and visits, inter-State communications, early warning and urgent actions procedures, guidance on the interpretation of the provisions of the treaty through general comments or recommendations, follow up on or request for further information relevant to the implementation of the treaties, the visiting preventive mandate of the Subcommittee on Prevention of Torture and its mandated work concerning the establishment and operation of national preventive mechanisms, and the visiting preventive mandate of the Committee on Enforced Disappearances, as well as the corresponding human resources for the secretariat. The formula or resources needs to be adopted to support all mandated activities.
7. To ensure the provision of resources for the implementation of the Covenant Committees decision to establish predictable review cycles over an 8-year period to review all States parties, whether reporting or not reporting by 2023.
8. To ensure the provision of resources for the implementation of the Convention Committees decision to establish predictable review cycle to review countries in accordance with a fixed review schedule to review all States parties, whether reporting or not reporting, and will consider replacing every second review with a focused review, which may consist of an in situ visit of 1 member of the treaty body with 1 member of the Secretariat to engage with the State party.
9. To support the Committee on Enforced Disappearances, in the establishment of a predictable review cycle to review countries in accordance with a fixed review schedule to review all States parties, whether reporting or not reporting, as well as any other Committee who may decide the same in the future (See in annex separate letter from the Chair of Committee on Enforced Disappearances of 24 July 2020.)
10. To encourage States to accept the option of replacing every second review with a focused review, which may consist of an in situ visit.
11. To ensure the provision of resources to treaty bodies in their efforts 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.
12. To encourage dialogue with States in the region (See in annex separate letter from group of treaty body experts of 6 July 2020.)
13. That the formula needs to take into account, on the one hand, the common needs of the treaty bodies, and on the other hand, the specificities of treaty bodies on additional mandates.
14. That going forward, there should be a more realistic allocation of secretariat resources to support the increasing workload of the treaty bodies, including in light of the large number of individual communications and urgent actions received, and related huge backlogs;
15. That there should be a one-off investment to set up a digital portal for individual communications and urgent actions for the parties to submit, access and track relevant information, including on the status of the case.
16. That the budgetary allocation and availability of resources for treaty bodies should not be subject to fluctuations as the treaty bodies deal with the implementation of legal obligations of States which if interrupted produce immediate protection gap and impacts on individual rights directly.
17. That a dedicated project, along the lines of the webcasting project, should be established to enable the use of digital technology by treaty bodies, in accordance with their needs, should be encouraged and supported, taking into consideration the needs of developing countries.
18. That bearing in mind that many Committees already carry out some specific tasks and mandated activities inter- sessionally, i.e. outside their formal in person meeting time, to use those best practices and lessons learned in addition to those of Committees who have held sessions on line due to the circumstances surrounding the COVID-19 pandemic to plan for the contingency of not being able to hold in person meetings for the last trimester of 2020 and the beginning of 2021. (See in annex separate discussion paper and table by Rapporteur of the informal Working Group on COVID-19)
19. That whereas it is important to emphasize that work on line is a supplementary tool, it cannot replace in person meetings which is an essential requirement to implement the mandate of treaty bodies. Whilst there are common challenges and obstacles so that required conditions for online work are fulfilled, as mapped by the informal Working Group on COVID-19, sharing and learning from experiences of activities among treaty bodies, planning forthcoming activities including practical issues of functionalities or availability of on-line platforms, and coordinated responses to COVID-19 should be continued and made available among treaty bodies as well as for States parties, civil society organizations and other stakeholders so that the continuing work of treaty bodies is inclusive, accessible and visible.
20. That in accordance with the Note by the Secretariat on Administrative arrangements for experts of December 2019, an expert who resides at the place of the meeting shall receive DSA at 20 per cent of the usual rate for each full day of attendance to cover incidental expenses. Experts of treaty bodies are currently working on-line from the place they are residing which is also the place of meeting for each one of them during the COVID-19. This part of 20% of the DSA in addition to the actual costs incurred by treaty body experts in connecting to on-line platforms that require a high-speed internet connection, or specific equipment which represents the extra cost incurred by treaty body experts due to the fact that they work from home should be disbursed and budgeted for.
21. That there are specific challenges and obstacles for experts with disabilities, as provisions for accessibility for persons with disabilities are only available 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 on-line platforms that are not accessible for person with disabilities, and who cannot otherwise access them. 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 UN-system wide policy on disability inclusion.