

ADVANCE UNEDITED VERSION

**Decision on additional measures to simplify the reporting procedure  
and increase predictability\***

The Committee recalls its decision on the simplified reporting procedure (list of issues prior to reporting procedure), taken at its 123<sup>rd</sup> session in July 2018 whereby it adopted the simplified reporting procedure as a permanent feature of its reporting procedures, and encouraged all States parties to switch to the simplified reporting procedure to accept it. The Committee also decided to strive to limit the number of questions in each list of issues to 25 questions.

With a view of giving further effect to Resolution 68/268 and pursuant to the Committee's decisions on the position paper on 2020 adopted at its 125<sup>th</sup> session in March 2019 (see summary in Annex I), including the predictable review cycle, and the vision promulgated by the Chairpersons of the Treaty Bodies in their 31<sup>st</sup> meeting in June 2019 (see Annex II), the Committee adopts the following decisions:

1. The Committee decides to move in 2020 to a predictable review cycle in order to improve predictability in reporting and to ensure regular reporting by all States parties, in line with Resolution 68/268. The predictable review cycle will be based on an eight-year cycle, which includes periods for the submission of reports and constructive dialogue with the Committee. The secretariat will publish in due course the calendar for reviews in Geneva for the period 2020-2027.
2. The Committee decides to shift from an opt-in model of simplified reporting procedure to an opt-out model. The secretariat will notify States parties accordingly and invite those interested in maintaining the standard reporting procedure to indicate so within a set timeframe.
3. The Committee decides to introduce the simplified reporting procedure for initial reports.
4. The Committee decides to continue its efforts to align its methods of work and the lists of issues it produces with other treaty bodies.

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\* The decision will be reflected in the Committee's annual report (A/75/40, to be issued in 2020).

## **Annex I**

### **Position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system\*\***

#### **Introduction**

The present position paper, which represents an agreed position among the Chairs of 10 human rights treaty bodies present at the thirty-first meeting of Chairs of human rights treaty bodies, builds on the achievements made under General Assembly resolution 68/268, including its funding formula, in order to further strengthen the treaty body system. We consider this position to be realistic and affordable. Furthermore, in accordance with the treaty mandates; the paper addresses key issues raised by, and emerging thinking among, member States and other stakeholders concerning the effective and efficient operation of the treaty body system.

In the process of preparing the position paper, consultations were held among all treaty bodies on key elements of the treaty body system, including several international workshops and discussions among the Chairs held over a period of several years. The guiding principle that has underpinned this process has been the increased protection of rights holders through strengthened implementation of the treaties.

The Chairs agree to recommend the proposals contained in the position paper to their Committees. These proposals could be implemented over a period of 1 to 2 years, provided that there is support for them from the Committees, the Office of the United Nations High Commissioner for Human Rights and other relevant departments of the Secretariat.

#### **General alignment of working methods**

##### **Simplified reporting procedure**

All treaty bodies agree to offer simplified reporting procedures to all States parties for periodic reports and may do so for initial reports. All treaty bodies offering such procedures for initial reports will develop a standard list of issues prior to reporting.

##### *Reduction of unnecessary overlap*

All treaty bodies will coordinate their list of issues prior to reporting to ensure that their dialogues with State parties are comprehensive and do not raise substantively similar questions in the same time period. List of issues prior to reporting will be limited to 25 to 30 questions.

##### *Interaction with stakeholders*

All treaty bodies currently receive alternative reports and undertake private meetings with stakeholders, including national human rights institutions, national preventive mechanisms, non-governmental organizations and others. Within the context of reporting procedures, the suggested formats of alternative reports will be aligned, including the deadline for their submission and the scheduling of private meetings. Private meetings may be conducted by videoconference, if necessary.

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\*\* A/74/256, Annex III.

### *Reporting cycle*

The Covenant Committees (Committee on Economic, Social and Cultural Rights and the Human Rights Committee) will review countries on an 8-year cycle and will synchronize the timing of their reviews.

The Convention Committees will review countries on a 4-year cycle, unless the provisions of a particular Convention provide otherwise.

### *Timing of reviews*

All treaty bodies will schedule reviews with State parties in accordance with the reporting cycle. The review will take place as scheduled irrespective of whether a report has been submitted (i.e. review in the absence of a report). This will ensure the regularity of reviews as provided for in the treaties.

The treaty bodies will ensure that should a State party be scheduled for review by a number of treaty bodies within a relatively short period, the scheduling of the reviews in question shall be altered to ensure that an appropriate period elapses between reviews by Convention Committees. Covenant Committees may wish to conduct back-to-back reviews.

### *Reports*

A single consolidated report may be submitted to both Covenant Committees if they choose to offer this option to States parties. The Convention Committees may wish to continue to receive separate reports in order not to dilute the Convention-specific focus.

### *Format of dialogues in Geneva*

All treaty bodies agree to follow the same general format for the consideration of reports during their Geneva sessions, that is 6 hours in total, distributed over two sessions within a 24 hour period. In addition, written replies could be provided by the State concerned within 48 hours of the conclusion of the oral dialogue, if needed and appropriate. Exceptionally, the dialogue may take place by videoconference.

### *Format of concluding observations*

The treaty bodies agree that concluding observations will follow the same aligned methodology, as endorsed by the Chairs in the concluding observations of their 2014 meeting (see HRI/MC/2014/2) in order to ensure that they are short, focused, concrete and prioritized, balancing immediate with longer terms priorities and objectives.

### *Follow-up procedure*

All treaty bodies engaging in follow-up to concluding observations will adhere to the process previously endorsed by the Chairs in the procedures of the human rights treaty bodies for following up on concluding observations, decisions and views (see HRC/MC/2018/4), with a maximum of four urgent recommendations being selected by each Committee from the concluding observations, and the State party will be requested to respond follow-up within a fixed period from the date of the review.

### **Review capacity of the treaty bodies**

The treaty bodies consider that Committee members cannot be expected to contribute more than three months a year of their time (that is, a maximum of three sessions of four weeks each). As a result, increasing the capacity of the treaty bodies necessitates changes in working methods.

All treaty bodies agree to increase their capacity to review the reports of States parties and individual communications, for example by working in chambers, working groups or country

teams. This will facilitate the need to review up to 50 reports per year for the Convention Committees, and 25 reports per year for the Covenant Committees.

### **Reviews in the region**

All treaty bodies agree that there are considerable benefits in conducting dialogues with States parties concerning their reports at a regional level, and that this option should be offered to States on a pilot basis by those Committees wishing to do so, with a view to permanent implementation. Such dialogues may be conducted by a delegation of the treaty body, with concluding observations being adopted by the Committee as a whole.

### **In conclusion**

The Chairs of the treaty bodies agree to align procedures and working methods as specified above. The Chairs believe that these proposals, which aim to focus, coordinate and streamline the reporting process and the dialogues, will facilitate enhanced interaction between States parties and other stakeholders and the treaty bodies.

The introduction of a coordinated schedule of country reviews, in accordance with fixed cycles, in the absence of a report, if necessary, will be implemented in a phased manner in order to ensure the continuation of the regular reviews of all States parties.

## Annex II

### Human Rights Committee Summary of Position Paper on 2020 as Updated in the 126<sup>th</sup> Session

In its 125<sup>th</sup> Session (March 2019), the Human Rights Committee reviewed a position paper drafted by Yuval Shany, the Committee's focal point for the 2020 review of Resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system as a unique opportunity to take stock of progress already made by the system since 2014, and adopted recommendations intended to implement it. The key elements endorsed by the Committee, were reflected by the Chair of the Committee during the meeting of the Chairs of the Treaty Bodies in their 31<sup>st</sup> meeting (June 2019).

Here are key elements of the position paper, brought to the attention of States and other stakeholders for their information:

#### *General issues*

- The Committee plans to adopt new measures designed to further implement Resolution 68/268. The positive impact of these measures was greatly enhanced by the adoption of the shared vision document adopted by the Chairs of the Treaty Bodies in their 31<sup>st</sup> meeting (June 2019). The Committee also notes favorably the non-paper circulated by the permanent mission to the UN of Costa Rica and 44 other States, which contains many ideas which coincide with the vision of the Chairs and the position of the Committee.
- This position paper is based on the funding formula agreed upon by the GA in connection with Resolution 68/268 with some minor adjustments.

#### *Individual communications*

- The backlog in communication can be addressed within the existing budgeting formula of meeting weeks, provided that adequate resources for staffing is provided. In anticipation of the provision of adequate resources, the Committee has already put in place new procedures, including hearing communications in chambers and fast-processing 'repetitive' communications, so as to allow it to significantly increase its annual output of Views (see also segment on 'review capacity of the treaty bodies' in the Chairs' vision document).

#### *Simplified Reporting*

- The Committee decided in its 124<sup>th</sup> session to adopt simplified reporting (list of issues prior to reporting) as a permanent feature of its procedures, and to encourage all member States to switch to simplified reporting. It also decided to strive to limit the number of questions in each list of issues to 25 questions. The Committee is ready to introduce simplified reporting for initial reports as well, and to shift from an opt-in model of simplified reporting to an opt-out model (thereby 'nudging' States to adopt simplified reporting)(see segment on 'Simplified Reporting Procedure' in Chairs' vision document).
- To accommodate these changes, small adjustments to the funding formula are recommended for covering the additional research time required for the secretariat to prepare draft lists of issues, which are not based on an existing State reports – especially in the case of non-reporting States. The additional funding required for greater staff support would be, however, set-off over time by the significant cost-saving associated with the reduction in the number of pages and documents that require translation under the simplified reporting process into the working languages

of the Committee. Thus, in the long run, such measures are expected to be budget-neutral.

- The Committee recommends, that, in the future, the funding formula will be based on the number of actual State reviews conducted by the Committee every year, and not on the basis of reports or replies to the list of issues submitted, so as to allow the Committee to effectively review non-reporting and late-reporting States.

#### *Increased coordination with other treaty bodies*

- Paragraph 34 of Resolution 68/268 calls on treaty bodies to increase the coordination and predictability of the reporting process. The Committee has already adopted in this regard certain measures, including embarking on a comprehensive study of the formulation of lists of issues, with a view to decreasing unnecessary overlap with the work of other treaty bodies. It also developed a practice of considering the recommendations of other treaty bodies when formulating its own concluding observations (and general comments). Furthermore, the Committee has embarked with the Committee on Economic, Social and Cultural Rights on a 'pilot' program of a coordinated preparation of list of issues for States scheduled to report in the same year before the two Committees, and consultations between Committee members involved in the drafting of concluding observations for States reviewed 'back-to-back' before the two Committees. The Human Rights Committee looks forward to continue the collaboration with the Committee on Economic, Social and Cultural Rights and with other Committees (see also segments on 'Reduction of unnecessary overlap' and 'Reports' in the Chairs' vision document).

#### *Predictable review cycles*

- The Committee plans to move in 2020 to a predictable review cycle in order to improve predictability in reporting and to ensure regular reporting by all States, including currently non-reporting and late reporting States. Such a review cycle is largely based on the existing capacity of the Committee and is covered by the existing funding formula. Some extra secretariat support may be needed, for a short transitional period, to facilitate the move to a predictable review cycle (see segment on 'timing of reviews' in the Chairs' vision document).
- The Committee is pleased that the Chairs' vision document supports the approach that treaty bodies should work according to a predictable review cycle. This would increase the opportunity for the treaty bodies to coordinate their lists of issues prior to reporting and the reviews, to ensure a rational application of the reporting burdens of States, and facilitating more efficient 'division of labor' across the treaty body system as a whole. (see segment on 'reporting cycle' in the Chairs' vision document).
- The Human Rights Committee's predictable review cycle would be based on a 5-year review process, and a 3-year interval after one review process is concluded and the next review process commences (resulting in full 8-year cycles). Table 1 describes the review process for States operating under simplified reporting and Table 2 for States operating under the 'standard' reporting system. According to the predictable review cycle, all States parties would be divided into 8 groups of 21-22 States each, and the 5-year reporting process would start for each group on a different reporting year. Note that States are almost certainly expected to be reviewed in the 3-year interval between review processes by other treaty bodies (as well as regional bodies and the Universal Periodic Review). In the event of new ratifications, the new States will be gradually introduced into the predictable review cycle, and the annual targets would change accordingly.
- Follow up review to concluding observations is envisioned as part of the reporting process, and as an important element which allows the Committee to introduce an 8-

year review cycle (and correspondingly, to alleviate the reporting burdens on States), without undermining the monitoring of urgent implementation challenges. The Committee is of the view that the work of the secretariat associated with the preparation of draft follow-up reports should be calculated and budgeted, and introduced in the post 2020 funding formula (see also segment on ‘follow up’ in the Chairs’ vision document).

*Other creative measures*

- The Committee welcomes other ideas raised by the Chairs of treaty bodies, individual treaty body members, States and other stakeholders, designed to further enhance the implementation of the Covenant, including the conduct of *in situ* reviews, dialogues with States parties concerning their reports at a regional level, and clustered reviews, provided that they can be implemented in a manner that does not interfere with funding for the core activities of the treaty bodies (see also segments on ‘review capacity of the treaty bodies’ and ‘reviews in the region’ in the Chairs’ vision document).

**Recommendations adopted by the Committee in the 125<sup>th</sup> session:**

1. The Committee has decided, subject to evaluation of resource implications and the attainment of the necessary staff support, to move for a predictable review cycle based on the simplified reporting procedure in 2020 (including resort to simplified reporting for initial reports and change to an opt-out model for simplified reporting).
2. The secretariat, with the help of the Committee, should take suitable measures to secure the necessary funding or staffing for the Committee’s transition to the predictable review cycle.

Table I – reporting process for States parties adhering to simplified reporting procedure

Year 1	Year 2	Year 3	Year 4	Year 5
List of issues prior to reporting	Replies to list of issues prior to reporting	Periodic review (if needed, in the absence of replies)		Follow-up on concluding observations

Table 2 – reporting process for States parties adhering to the standard reporting procedure

Year 1	Year 2	Year 3	Year 4	Year 5
Periodic report	List of issues and Replies to list of issues	Periodic review (if needed, in the absence of report and/or replies to the list of issues)		Follow-up on concluding observations

## **PREDICTABLE REVIEW CALENDAR**

### **YEAR 1 (2020)**

1. Bolivia (Plurinational State of) (4th)
2. Botswana (2nd)
3. Chad (3rd)
4. Dominica (1st)
5. Finland (7th)
6. Germany (7th)
7. Haiti (2nd)
8. Israel (5th)
9. Japan (7th)
10. Kenya (4th)
11. Nicaragua (4th)
12. Peru (6th)
13. Philippines (5th)
14. Portugal (5th)
15. Sri Lanka (6th)
16. Togo (5th)
17. Trinidad and Tobago (5th)
18. Tunisia (6th)
19. Ukraine (8th)
20. Uruguay (6th)
21. Uzbekistan (5th)

### **YEAR 2 (2021)**

1. Afghanistan (3rd)
2. Armenia (3rd)
3. Brazil (3rd)
4. Cambodia (3rd)
5. Chile (7th)
6. Cyprus (5th)
7. Grenada (1st)
8. Hong Kong, China (4th)
9. India (4th)
10. Iraq (6th)
11. Ireland (5th)
12. Latvia (4th)
13. Lesotho (2nd)
14. Macau, China (2nd)
15. Qatar (1st)
16. Panama (4th)
17. Russian Federation (8th)
18. Seychelles (1st)
19. Somalia (1st)
20. Turkey (2nd)
21. United States of America (5th)
22. Venezuela (Bolivian republic of) (5th)



### **YEAR 3 (2022)**

1. Burkina Faso (2nd)
2. Burundi (3rd)
3. Congo (3rd)
4. Croatia (4th)
5. Gabon (3rd)
6. Guinea-Bissau (1st)
7. Guyana (3rd)
8. Indonesia (2nd)
9. Iran (Islamic Republic of) (4th)
10. Kyrgyzstan (3rd)
11. Libya (5th)
12. Maldives (2nd)
13. Malta (3rd)
14. Montenegro (2nd)
15. Nepal (3rd)
16. Republic of Korea (5th)
17. Sierra Leone (2nd)
18. Spain (7th)
19. Syrian Arab Republic (4th)
20. United Kingdom of Great Britain and Northern Ireland (8th)
21. Yemen (6th)
22. Zimbabwe (2nd)

### **YEAR 4 (2023)**

1. Albania (3rd)
2. Azerbaijan (5th)
3. Canada (7th)
4. Cote d'Ivoire (2nd)
5. Democratic People's Republic of Korea (3rd)
6. Ecuador (7th)
7. Egypt (4th)
8. Eritrea (1st)
9. Ethiopia (2nd)
10. Fiji (1st)
11. France (6th)
12. Georgia (5th)
13. Greece (3rd)
14. Iceland (6th)
15. Malawi (2nd)
16. Mozambique (2nd)
17. North Macedonia (4th)
18. Sao Tome and Principe (1st)
19. Timor Leste (1st)
20. Thailand (3rd)
21. United Republic of Tanzania (5th)
22. Zambia (4th)

## **YEAR 5 (2024)**

1. Andorra (1st)
2. Argentina (6th)
3. Austria (6th)
4. Benin (3rd)
5. Bosnia and Herzegovina (4th)
6. Cameroon (6th)
7. Colombia (8th)
8. Costa Rica (7th)
9. Denmark (7th)
10. Ghana (2nd)
11. Italy (7th)
12. Kazakhstan (3rd)
13. Kuwait (4th)
14. Mali (3rd)
15. Mongolia (7th)
16. Morocco (7th)
17. Namibia (3rd)
18. Poland (8th)
19. Rwanda (5th)
20. Slovenia (4th)
21. South Africa (2nd)
22. Suriname (4th)

## **YEAR 6 (2025)**

1. Antigua and Barbuda (1st)
2. Bangladesh (2nd)
3. Belarus (6th)
4. Democratic Republic of the Congo (5th)
5. Dominican Republic (7th)
6. Eswatini (2nd)
7. Guatemala (5th)
8. Honduras (3rd)
9. Hungary (7th)
10. Jamaica (5th)
11. Jordan (6th)
12. Luxembourg (4th)
13. Madagascar (5th)
14. Monaco (4th)
15. Pakistan (2nd)
16. Republic of Moldova (4th)
17. San Marino (4th)
18. Serbia (4th)
19. Slovakia (5th)
20. Sweden (8th)
21. Turkmenistan (3rd)
22. Uganda (2nd)

## **YEAR 7 (2026)**

1. Algeria (5th)
2. Australia (7th)
3. Bahamas (1st)
4. Bahrain (2nd)
5. Barbados (4th)
6. Belize (2nd)
7. Djibouti (2nd)
8. El Salvador (8th)
9. Guinea (4th)
10. Gambia (3rd)
11. Lao People's Democratic Republic (2nd)
12. Lebanon (4th)
13. Liberia (2nd)
14. Lithuania (5th)
15. Mauritius (6th)
16. New Zealand (7th)
17. Norway (8th)
18. Romania (6th)
19. Samoa (1st)
20. State of Palestine (1st)
21. Sudan (6th)
22. Switzerland (5th)

## **YEAR 8 (2027)**

1. Angola (3rd)
2. Belgium (4th)
3. Bulgaria (5th)
4. Cabo Verde (2nd)
5. Central African Republic (4th)
6. Czech Republic (5th)
7. Equatorial Guinea (2nd)
8. Estonia (5th)
9. Liechtenstein (3rd)
10. Marshall Islands (1st)
11. Mauritania (3rd)
12. Mexico (7th)
13. Netherlands (6th)
14. Niger (3rd)
15. Nigeria (3rd)
16. Papua New Guinea (1st)
17. Paraguay (5th)
18. Saint Vincent and the Grenadines (3rd)
19. Senegal (6th)
20. Tajikistan (4th)
21. Vanuatu (1st)
22. Vietnam (4th)