



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

14 September 2020

Excellency,

I have the pleasure to transmit herewith, the report containing the findings and recommendations of the consultation process facilitated by H.E. Ms. Pascale Baeriswyl, Permanent Representative of Switzerland to the United Nations and H. E. Mr. Omar Hilale, Permanent Representative of Morocco to the United Nations, the co-facilitators for the review of the UN human rights treaty body system.

I take this opportunity to thank the co-facilitators for their support and commitment to the review process and to also, thank Member States for their contributions during the consultations.

I avail of this opportunity to express my solidarity with Member States who are fighting COVID-19 and extend my sincere condolences for their loss.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, consisting of a stylized, cursive script.

Tijjani Muhammad-Bande

All Permanent Representatives and
Permanent Observers to the United Nations
New York



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Permanent Mission of Switzerland to the United Nations



*Permanent Mission of the
Kingdom of Morocco to the UN*

Excellency,

As mandated by Your Excellency's letter of 8 April 2020 to the United Nations membership and based on paragraph 41 of the General Assembly Resolution 68/268 through which the General Assembly decided to consider the state of the human rights treaty body system by 2020 and to review the effectiveness of the measures taken in this regard, we have undertaken informal consultations with Member States, in both New York and Geneva, as well as with the Office of the High Commissioner for Human Rights, the treaty bodies, and with all other relevant stakeholders, such as civil society and national human rights institutions.

In line with our mandate, we have the pleasure to submit to you our report, which seeks to reflect the views expressed during this consultation process as well as our findings and recommendations. We would like to underline that the issues highlighted in our report are put forward without prejudice to their importance and without being exhaustive. While the consultation process allowed a rich and substantive discussion on several issues, including those highlighted in our report, there are other aspects of the work of the treaty bodies that also require further discussion.

Throughout this process, inclusivity and transparency have guided our work. Due to the COVID-19 pandemic, we adopted hybrid modalities for the working methods, with virtual informal consultation in New York and in-person consultations in Geneva. The latter were also open to online participation. A full list of our informal consultations and other meetings with the link to the UN Web TV is attached to the present report (see annex).

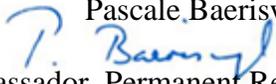
According to the results of the consultations, we came to the conclusion that a follow-up process is most appropriate to achieve the goal of strengthening and enhancing the effective functioning of the human rights treaty body system. Such a process would allow to pursue the discussions on all relevant topics and to have further exchanges on the different proposals made during these consultations in order to find a common landing zone that ultimately leads to a concrete outcome, where efforts towards consensus should be pursued. Besides the reaffirmation of General Assembly Resolution 68/268, such an outcome should complement the mentioned resolution where needed, reflecting the findings and recommendations outlined in this report.

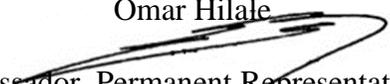
We wish to thank Your Excellency for your trust as well as for the support we have received from your office throughout the process. We would also like to express our gratitude to the Office of the High Commissioner for Human Rights for its support. Finally, we thank all interlocutors during this process for their constructive spirit, cooperation and support.

H.E. Tijjani Muhammad-Bande
President of the UN General Assembly
New York

We would be grateful if this letter and the attached report could be circulated to all Member States. It would also be appreciated if this letter and the attached report is circulated as an official documents of the General Assembly under the agenda item 126 entitled “United Nations reform: measures and proposals”.

Please accept, Excellency, the assurances of our highest consideration.


Pascale Baeriswyl
Ambassador, Permanent Representative of
Switzerland to the UN


Omar Hilale
Ambassador, Permanent Representative of
The Kingdom of Morocco to the UN

**Report of the co-facilitators on the process of the
consideration of the state of the UN human rights
treaty body system**

Note by the President of the General Assembly

Report on the process of the consideration of the state of the UN human rights treaty body system

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I. Introduction

1. On 9 April 2014, the General Assembly adopted resolution [68/268](#), entitled “Strengthening and enhancing the effective functioning of the human rights treaty body system”, by which (para. 41), it decided to consider the state of the human rights treaty body system no later than six years from the date of adoption of the resolution, to review the effectiveness of the measures taken in order to ensure their sustainability, and, if appropriate, to decide on further action to strengthen and enhance the effective functioning of the human rights treaty body system.
2. On 8 April 2020, the President of the General Assembly, H.E. Mr. Tijjani Muhammad-Bande, appointed Ambassador Omar Hilale, Permanent Representative of the Kingdom of Morocco to the United Nations, and Ambassador Jürg Lauber, Permanent Representative of Switzerland to the United Nations, as co-facilitators to lead the process of the consideration of the state of the human rights treaty body system, in accordance with General Assembly Resolution 68/268. Following the end of term of Ambassador Jürg Lauber as Permanent Representative of Switzerland to the United Nations in New York, the President of the General Assembly appointed, on 9 July 2020, Ambassador Pascale Baeriswyl, Permanent Representative of Switzerland to the United Nations, as the co-facilitator of the process.

II. Mandate and work of the co-facilitators during the seventy-fourth session of the General Assembly

3. In his letter appointing the co-facilitators, the President of the General Assembly requested the co-facilitators to undertake informal consultations with Member States, in both New York and Geneva, with contributions, as appropriate, from the Office of the High Commissioner for Human Rights, from the treaty bodies, and from other relevant stakeholders. The President of the General Assembly further requested the co-facilitators to submit, taking into account the views expressed during the process, a report to him before the end of the 74th session of the General Assembly, outlining recommendations for consideration, so as to assess and decide, if appropriate, on further action to strengthen and enhance the effective functioning of the human rights treaty body system.
4. Due to the COVID-19 pandemic, the co-facilitators adopted hybrid modalities of their working methods for this process. According to the restrictions to hold physical meetings at the UN headquarters, the informal consultations in New York needed to be conducted virtually. Given the development that organizing in-person meetings in Geneva were possible again, the informal consultations with Member States in Geneva as well as with all other relevant stakeholders were organized in a hybrid format, meaning with in-person and online participation. In order to ensure full transparency, the meetings with the Member States in New York and Geneva as well as with the representatives of civil society and national human rights institutions were webcast so that everybody could follow them (see annex).
5. The process was formally launched by the co-facilitators during a first meeting held on 2 June 2020 (virtual). The meeting was marked by the

participation of the President of the General Assembly and the UN High Commissioner for Human Rights, H.E. Ms. Michelle Bachelet.

6. During this meeting, the co-facilitators outlined their vision of the process and its timeline. In this regard, the co-facilitators indicated that their work will be guided by the principles of inclusivity, meaning the involvement of all relevant actors, and transparency, ensuring that information is shared with and accessible to everyone at all stages of the process. This is key for a successful outcome in order to contribute to the strengthening of the treaty body system and to improve its efficiency.
7. This launch meeting was followed by a technical expert level briefing on the treaty body system, organized jointly with the Office of the High Commissioner for Human Rights on 4 June 2020 (virtual). The briefing provided basic information on the treaty body system, the history of its review, its current status and the implementation of the General Assembly Resolution 68/268.
8. The formal process led by the co-facilitators was composed of three phases:
 - a. Call for written contributions: The co-facilitators launched on 17 June 2020, a call for written contribution from all the relevant actors on their assessments of the treaty body system and their vision for its strengthening. The co-facilitators received 90 submissions. 55 were received on behalf of States (those submissions include two joint submissions by States, namely the African Group and European Union), 35 submissions from other relevant stakeholders, including 22 from civil society organizations (thereof four joint submissions by multiple NGOs), 6 from national human rights institutions and 7 from UN experts. This high number of contributions from all regions of the world shows the interest in strengthening the treaty body system and the importance of this topic.
 - b. Informal consultations: Informal consultations were organized with all relevant actors, both in New York and Geneva. In this context, the co-facilitators conducted:
 - Informal consultations with Member States in New York on 27 July 2020 (virtual) and with Member States in Geneva on 28 August 2020 (hybrid). Due to the high number of speakers during the latter, an additional expert level meeting with Member States in Geneva was organized on 2 September 2020 (virtual). The meeting in New York addressed the areas of ‘the use of new information and communications technologies’; ‘nomination and selection process of treaty bodies members’; ‘technical cooperation and capacity building’; ‘budgetary issues’; ‘interaction with different actors (including civil society, national human rights institutions and regional actors)’; and ‘individual communications’. The meetings in Geneva discussed the issues of ‘simplified reporting procedure’; ‘harmonization and working methods’; ‘aligned methodology for constructive dialogue’; ‘fixed calendar’; ‘periodicity of the human rights treaty bodies sessions and concluding observations and recommendations, including their follow-up’.
 - A meeting with the Chairpersons of the treaty bodies on 28 July 2020 (virtual), during which they expressed their views on a wide array of issues such as the content and the implementation of the proposals contained in the Position Paper of the Chairs of the human rights

treaty bodies on the future of the treaty body system of June 2019 (A/74/256, Annex III), in particular the ‘alignment of working methods, including coordination between treaty bodies’ and ‘simplified reporting procedure’; ‘regional engagement’; ‘predictable reporting cycle’; ‘individual communication’; ‘accessibility and interaction with different actors’; ‘budget and resource issues’ and ‘digitalization’.

- A meeting with the UN High Commissioner for Human Rights and her team in Geneva on 28 August 2020, during which several areas such as ‘digitalization’; ‘budget and resource issues’; ‘predictable review cycle and fixed calendar’; ‘alignment of working methods’; ‘regional engagement’; ‘election of treaty body members’ and ‘accessibility’, were discussed.
 - A meeting in Geneva on 28 August 2020 with all other relevant stakeholders, including civil society and national human rights institutions. The meeting was accessible to participants from all over the world and discussed measures to strengthen the effectiveness and efficiency of the treaty body system such as ‘alignment of working methods, including simplified reporting procedure’, ‘constructive dialogue’, ‘observations and recommendations and their follow-up’; ‘periodicity of the human rights treaty bodies sessions and fixed calendar’; ‘the use of new information and communications technologies’; ‘accessibility’; ‘working in the region’ as well as ‘technical cooperation and capacity building’; ‘nomination and selection process of treaty body members’ and ‘budgetary issues’.
- c. Reporting: The co-facilitators organized a wrap-up meeting on 11 September 2020 (virtual), during which they presented their assessment of the process, as well as their main findings and recommendations which are contained in the report of the co-facilitators. According to their mandate, the co-facilitators submitted the present report to the President of the General Assembly on 14 September 2020.
9. In total 178 participants attended the consultation for Member States in New York on 27 July 2020, with 93 interventions (of which two groups, namely African Group and European Union). During the consultation for Member States in Geneva on 28 August 2020 there were 108 participants (72 in-person and 36 online) and during the continuation of these consultations on 2 September 2020 there were 93 participants. During both sessions in Geneva 108 interventions were made (of which four groups, namely the African Group, European Union, Cuba (on behalf of like-minded group), USA (on behalf of 19 states)). During the informal consultation with all other relevant stakeholders, namely representatives of civil society and national human rights institutions on 28 August 2020, 48 participants attended (8 in-person and 40 online) with 23 interventions. On 28 August morning and afternoon meetings in Geneva, there were 1375 live views on UN Web TV in 103 countries. On 2 September, there were 188 live views on the UN Web TV from 67 countries. During the wrap-up meeting on 11 September, 162 participants attended the meeting and 23 delegations took the floor (of which one group, namely the European Union).

III. Overview of issues discussed

10. The process demonstrated that there is consensus among Member States and all the other relevant stakeholders that General Assembly Resolution 68/268 still provides the appropriate framework that would, if fully implemented, allow the treaty bodies to function more effectively. At the same time, the contributions also highlighted the remaining challenges and gaps in the implementation of General Assembly Resolution 68/268 and some divergent positions on certain issues. Therefore, limited adjustments and updates are needed based on the written contributions and views expressed during the informal consultations of the process as well as, inter alia, the three Secretary-General's reports (A/71/118; A/73/309; A/74/643) and the Position Paper of the Chairs of the human rights treaty bodies on the future of the treaty body system of June 2019 (A/74/256, Annex III). The contents of these documents have been repeatedly referred to and utilized as guiding instruments and substantive roadmap for the ideas put forward by the Member States and all other relevant stakeholders.

11. The issues highlighted in this report gained particular attention during the process and were all discussed in depth. They are put forward without prejudice to their importance and without being exhaustive. The analysis on each reflects the views of Member States, treaty body members, the Office of the High Commissioner for Human Rights and all other relevant stakeholders, such as civil society and national human rights institutions, expressed in the written contributions and during the informal consultations. Based on these positions, the co-facilitators formulated their findings and recommendations.

1. Use of information and communication technologies

12. The COVID-19 pandemic has drawn everyone's attention to the need to strengthen the capacity of the treaty bodies to engage and interact online. It also constitutes a momentum to tackle longstanding issues regarding a digital shift in the work of the treaty body system.
13. The vast majority highlights that there is a considerable potential of digitalization towards an increased efficiency of the treaty bodies and the interaction with all relevant stakeholders.
14. However, concerns have been raised because of the digital divide between countries, persons with special needs, the requirement in certain aspects of treaty body work for confidentiality, the stakeholders' safety online and last but not least the time zones. [For more details see chapter 3].
15. While some have spoken in favor of online states reviews, other have raised concern about such reviews and some consider that heightened digitalization does not imply that treaty bodies have the mandate to review States parties "in absentia".
16. There is consensus that a digital shift in the work of the treaty bodies does not mean that all their activities can or should move online; in-person interaction remains a crucial component of the work and cannot be replaced as such.

17. The co-facilitators have further been encouraged that a dedicated project should be established to enable the use of digital technology by treaty bodies, in accordance with their needs, taking into account the need of developing countries. In addition, sharing and learning from experiences among treaty bodies and planning forthcoming activities including practical issues of functionalities or availability of online platforms, should be continued.
18. With regard to the online work of treaty body experts, there is a proposal that the UN should assess the time treaty bodies spend online to fulfil their mandates and the costs involved, with a view to determining an appropriate level of compensation for costs incurred and participation in remote meetings based on existing rules, properly adapted to the online situation. In this respect, it is suggested that 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.
- 19. It is the view of the co-facilitators that there is a clear need to keep pace with the new technological developments to increase the efficiency, transparency and accessibility of the treaty body system. However, online work should not replace in-person interaction altogether. Therefore, the co-facilitators recommend accelerating the digital shift, including by considering online and hybrid models for treaty body activities where such modalities could be used. Such digital shift and related budget questions require further discussion by Member States, the Office of the High Commissioner for Human Rights and the treaty bodies.**

a. Individual Communications

20. The UN treaty body system is one of few human rights mechanisms receiving individual complaints that still does not have a modern, digital case management system or an online submission platform.
21. The consultations have shown a strong support for the standardization and centralization of communications management. A digital shift, with a single case management system and clear admissibility criteria would enhance the efficiency and transparency of the system. The introduction of a case management system for the Office of the High Commissioner for Human Rights' Petitions Unit, accompanied with an online submission platform - where both States and petitioners can access information about the progress of the communications - would provide immediate improvements for the benefit of all parties involved in the litigation of individual cases before the treaty bodies. Furthermore, the individual communications system would benefit from the allocation of appropriate financial, human and technical resources to the Petitions Unit to enable it to more systematically manage the growing number of communications it receives and at the same time reduce the existing backlog.
- 22. The co-facilitators believe that there should be investment to set up a digital case management system for individual communications and urgent actions for the parties to submit, access and track relevant information, including on the status of the case.**

b. Nomination and selection of Treaty Body Members

23. The majority underlines the importance of preserving and strengthening the independence and impartiality of treaty body members and ensuring diversity in terms of gender, geography, background, expertise, representation of different forms of civilization and principal legal systems, as well as the participation of persons with disabilities.
24. A number of submissions recall the importance and value of compliance with the ‘Guidelines on the independence and impartiality of members of the human rights treaty bodies’ (“The Addis Ababa Guidelines”). They also have taken a stand against the establishment of a code of conduct.
25. Some contributions underline that the nomination and election process needs to remain within the sovereign prerogative of States parties. They highlight that the neutrality of the Secretariat in preparing information concerning the election of the human rights treaty body members should be preserved and encouraged. They also support creating a code of conduct for treaty bodies that aims to define standards of professional conduct and ethical behavior in discharging the mandates of the treaty bodies. Others propose placing a limit on the number of times a member’s term may be renewed.
26. A large number of contributions consider the improvement of the process of nomination and election of experts to the treaty bodies to ensure transparency and the nomination of highly qualified experts. They recommend the setting up of an open and transparent centralized web-based electoral platform. Such website could serve for the selection process and could allow Member States to have the overview of all candidates and their expertise.
27. Some contributions provide details on how to ensure gender parity in nomination processes as well as on comparative analyses of nomination/election procedures across different international and regional human rights courts and mechanisms.
28. Further suggestions include to use a similar approach that is applied for the Special Procedures, in allowing experts to self-nominate, rather than the requirement for States to nominate potential candidates, the holding of interactive dialogues and of hearings and that the Office of the High Commissioner for Human Rights could offer technical assistance for the development of guidelines or mechanisms for the selection of treaty body members.
- 29. The importance of the independence and impartiality of members of the treaty bodies was reaffirmed. It is therefore the view of the co-facilitators that States and all other stakeholders should recommit to fully respecting the independence of treaty body members and avoiding any act that would interfere with the exercise of their functions.**
- 30. Furthermore, the co-facilitators believe that further availability of information on all candidates to the treaty bodies would improve the current process of the nomination and election of experts. Therefore, the co-facilitators recommend to consider the value of an open and transparent web-based electoral platform to evaluate the merits of treaty body candidates and to ensure that due consideration is given to independence and impartiality as well as diversity in terms of gender, geography, background, expertise, representation of different**

forms of civilization and principal legal systems, as well as the participation of persons with disabilities.

2. Alignment of working methods and rules of procedure

31. The growth of the treaty body system and the establishment of the Universal Periodic Review have led to an exponential growth in the number of reports to be submitted. Given the diverging rules and practices of the different treaty bodies, it is often difficult for States parties, civil society representatives, national human rights institutions and for the victims of human rights violations themselves to find their way around in the treaty body system.
32. The vast majority of the contributions welcome the alignment of working methods and rules and procedure and more coordination across treaty bodies that are required in order to streamline the discussions and to avoid unnecessary repetition, overlapping and work, both for the reporting States and the treaty bodies. Many specifically support that further alignment efforts are in the Chairpersons' capacity.
33. Some contributions indicate that the working methods cannot be identical as their nature and legal basis differ greatly.
34. Among the different issues tackled in this regard, there seems to be convergence above all regarding the beneficial value of the simplified reporting procedure, the need for a common, enhanced methodology for concluding observations and other treaty bodies outputs such as list of issue prior to reporting and follow-up recommendations, the harmonization of constructive dialogue proceedings, and aligned guidelines for stakeholder participation.
- 35. The co-facilitators support a further streamlining of working methods, avoiding unnecessary repetition and enhancing synergies. This is crucial to ensure the continued relevance and impact of treaty bodies. It is also a financial imperative in the current circumstances of shrinking resources, aggravated by the global pandemic of COVID-19. Therefore, the co-facilitators recommend that treaty bodies accelerate the alignment of their working methods. In this regard, the co-facilitators further recommend that the Office of the High Commissioner for Human Rights could be requested to present a suggested model for rationalized, harmonized and modern working methods for treaty bodies, drawing on the views and conclusions of the consultation process, successive treaty body Chairs' meetings and lessons learned during the COVID-19 pandemic.**
- 36. Moreover, the co-facilitators are of the view that the Chairs of treaty bodies should play a central role in further harmonizing the different treaty bodies' working methods, including by continuing initiatives to enhance coordination and planning and to share best practices across treaty bodies. The Chairs should meet more frequently, including on an online basis, and monitor the implementation of their agreed conclusions on working methods.**

a. Simplified Reporting Procedure

37. The majority of the contributions welcome the simplified reporting procedure as an excellent way of streamlining discussions and avoiding unnecessary work, both for the reporting countries and the treaty bodies, contributing to a more focused and constructive dialogue. Expansion of this method of work could be considered for all monitoring mechanisms and all reporting cycles other than the initial report required under a treaty. In addition, coordination would be needed between treaty bodies regarding their lists of issues prior to reporting, in order to avoid overlap.
38. A number of submissions encourage the co-facilitators to explore means of building on the progress related to the simplified reporting procedure, including, that all treaty bodies will offer the simplified reporting procedure to all States parties and by making “opt-out” simplified reporting universal across the treaty bodies.
39. In addition, several of the contributions note that a systematic use of the simplified reporting procedure would have resource implications, as it requires additional staff support to undertake the preparatory drafting of the list of issues prior to reporting. Therefore, these submissions recommend additional supporting staff within the Secretariat for the universal use of the simplified reporting procedure.
40. Whilst acknowledging the introduction of the simplified reporting procedure, some submissions consider that the simplified reporting procedure should remain optional for States parties. According to this view the simplified reporting procedure may deviate from the original objective of the treaties, leading to excessive attention to specific issues or details.
- 41. It is the view of the co-facilitators that the simplified reporting procedure improves efficiency of the treaty body system. Therefore, the co-facilitators believe that all the human rights treaty bodies should be encouraged to offer the simplified reporting procedure to States parties and 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. Furthermore, the number of questions in the list of issues prior to reporting should be limited on the basis of a standard methodology to be elaborated in collaboration with the Office of the High Commissioner for Human Rights to enhance coordination, complementarity and to reduce unnecessary duplication.**

b. Aligned methodology for constructive dialogue

42. Currently, significant variations exist with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with States parties.
43. In this regard, it has been specifically emphasized in most contributions that treaty bodies should adopt an aligned methodology for the constructive dialogue between States parties and treaty bodies to maximize the use of the time available, to allow for a more interactive and productive dialogue and to facilitate the preparation of the State prior to the dialogue, including to coordinate with other international human rights mechanisms such as the Universal Periodic Review.

- 44. The co-facilitators believe that the treaty bodies should be encouraged to adopt an aligned methodology for the constructive dialogue between States parties and treaty bodies, bearing in mind the variations among the Committees.**

c. Aligned methodology for concluding observations and follow-up recommendations

45. The vast majority recognize the treaty bodies' need to continue their efforts to improve their concluding observations by making them more focused, short, concrete, targeted, measurable and implementable. There is a strong need to focus on priority concerns, and to make concluding observations more user-friendly for States parties as well as for all other stakeholders. An aligned methodology for concluding observations should be developed, such as common guidelines.
46. Other suggestions consider that treaty body recommendations could be better linked, less numerous and more prioritized, better coordinated with the Universal Periodic Review and, when possible, with country visits of Special Procedures. They need to be well founded and well informed, which reinforces the need for supplementary information from civil society. Furthermore, the implementation of recommendations would benefit from expanded, institutionalized follow-up at national level, such as through the introduction or strengthening of national mechanisms for reporting and follow-up.
- 47. The co-facilitators consider that further steps can and should be taken that concluding observations and follow-up recommendations are short, focused, concrete, prioritized, implementable, balancing immediate with longer terms priorities and objectives and to this end, set up common guidelines.**

d. Aligned modalities for stakeholder interaction

48. There is general support for efforts of the treaty bodies to an aligned approach and common guidelines for engagement with civil society and national human rights institutions. This would facilitate greater transparency and clarify the modalities for stakeholder interactions with the treaty body system as a whole. In this regard, digitalization and new technology platforms can be useful. Furthermore, it has been stated that harmonized efforts should include the issue of reprisals as defined in the 'Guidelines against Intimidation or Reprisals' ("San José Guidelines") and their coordinated and coherent implementation by all treaty bodies.
- 49. It is the view of the co-facilitators that an aligned model of interaction between treaty bodies and civil society organizations as well as national human rights institutions would be beneficial for all stakeholders. In this regard, the co-facilitators acknowledge the efforts already done and invite the exchange of relevant best practices among all treaty bodies.**

3. Fixed Calendar and Periodicity of the human rights treaty bodies sessions

50. The current uncoordinated process can make domestic planning and engagement difficult. In this regard, a comprehensive calendar could address multiple challenges facing the reporting process established under the treaties. It also aims to provide certainty and increased efficiency for States parties in terms of scheduling the review of their reports and reduce the need for the treaty bodies to continually request additional meeting time. The fixed nature of the comprehensive calendar is its most important feature, providing for predictability and stability in reporting for both States parties and treaty bodies. Additionally, it allows for the efficient use of resources by the treaty bodies.
51. The consultations have demonstrated that the development of a predictable review cycle and, to the extent possible, a coordinated, fixed and multi-year calendar for all of the Committees is a desirable feature of any future format of the human rights treaty body system. A master calendar should be coordinated across all Committees and include the due dates for States parties' reports and the dates for the constructive dialogue. One of the major advantages stated of a predictable review cycle is that it enables both the Committees and States parties to plan properly which potentially reduces the lack of reporting. Greater coordination would further assist States parties by ensuring, where possible, that appearances before different treaty bodies and the Universal Periodic Review do not overlap.
52. It was also stated that there are notable exceptions such as the 'Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment' and the 'Committee on Enforced Disappearances' which do not follow the same logic of regular state reporting, but nevertheless further establishment of fixed reporting schedules and their coordination across the system is required.
53. Different modalities are offered, such as alternating between full and focused reviews, which may consist of an in situ visit, but overall, many contributions express their support regarding the eight-year predictable review cycle for the two Covenant Committees.
54. Some have expressed reluctance to the idea of spacing out reviews by all treaty bodies to as much as eight years and some others go as far as suggesting longer cycles of 10 years.
55. Some contributions question the need for a fixed calendar, because of the additional expenses it might entail, uncertainties about its practicality as well as the unnecessary pressure on States that cannot comply with their reporting obligations within that global calendar. This includes the issue of how such a calendar would address non-reporting and reviewing of States in absentia. They believe that a reporting schedule already exists for each Committee.
56. **The co-facilitators are of the view that in order to better inform the discussions and with the aim to increase the reporting compliance to its fullest extent, the Office of the High Commissioner for Human Rights could prepare, in coordination with the treaty bodies, a proposed schedule and estimated costing for predictable review cycles. Such a calendar should aim to maximize synergies between reviews and take into account the resource constraints of States parties, including those of small States, 'Small Island Developing States' (SIDS) and 'Least Developed countries' (LDCs). The scheduling of States reviews by the Office of the High Commissioner for Human**

Rights should also factor in other reporting obligations, including to the Universal Periodic Review.

4. Accessibility by different stakeholders

57. The effective engagement of civil society, national human rights institutions and other relevant stakeholders with the treaty body system is hampered by numerous factors, including the fact that each treaty body has different rules of engagement. The consultations have underlined that it is fundamental to ensure accessibility for all participants, including persons with disabilities, whether they are Committee members, government delegates, civil society representatives, national human rights institutions or UN staff. Furthermore, the regional aspect, meaning the organization of reviews in the regions as well as treaty bodies' engagement with regional organizations and human rights mechanisms is another important issue in this regard.

a. Civil society, national human rights institutions and academic platforms

58. The vast majority value the integral role civil society, national human rights institutions and academic platforms play in the engagement with the treaty bodies by providing information, creating awareness, ensuring transparency and accountability, including by following up on the implementation of recommendations. Therefore, it is important that the accessibility of civil society, human rights defenders and national human rights institutions is ensured, while guaranteeing the safety of all those interacting with the treaty bodies.
59. One of the most stated improvements regarding accessibility is greater investment into and use of technologies to increase the accessibility and transparency of the treaty bodies. Suggestions include systematic webcasting of all treaty bodies sessions and the use of virtual collaboration tools to carry out broader civil society consultations as well as the improvement of channels of communication, such as the treaty bodies' websites. This would allow representatives of civil society and national human rights institutions who have limited resources to engage with the Committee by participating virtually. It would also lead to a greater degree of witness protection by allowing witnesses and human rights defenders who fear reprisals to give testimony without revealing their location or from a place of relative safety.
60. It has also been stated that it is necessary to take stock of the methodology for receiving civil society documents, which are published only a few weeks or even days before the constructive dialogue. According to them, this gives States little time to prepare and it raises the question of whether such information should be verified, especially when it is not in line with official information provided by the State party.
61. Others have noted the impact of the use of only three UN official languages on the accessibility and interaction with civil society representatives.
- 62. It is the view of the co-facilitators that the Office of the High Commissioner for Human Rights should undertake measures to**

enhance the visibility and accessibility of the treaty body system, such as facilitating digital interaction with stakeholders by online tools. Furthermore, based on the general agreement that no individual or organization should suffer reprisals, the treaty bodies and the Office of the High Commissioner for Human Rights should take all measures to address reprisals consistently. [See also chapter 2d]

b. Persons with disabilities

63. The consultations have shown 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 online platforms that are not accessible for persons with disabilities.
64. Suggestions include among others:
 - All related documents and information are also provided in Plain English and Easy-Read as well as in formats accessible to screen-readers' software.
 - All meeting rooms are physically accessible and the room settings are easy to navigate.
 - Funding across the treaty bodies needs to be provided to ensure the accessibility for persons with disabilities in the work of treaty bodies on an equal footing with others.
65. The vast majority considers that any online collaboration must ensure accessibility for people with a disability, speakers of different languages, including sign-language interpretation and captioning on webcast. With that objective, the platforms need to be easy to use.
- 66. The co-facilitators strongly believe that any digital shift has to take into consideration the special needs of people with disabilities.**

c. Reviews in the Regions

67. Several contributions support the enhanced promotion of a regional dimension of treaty bodies' work. This includes treaty bodies' engagement with regional mechanisms as well as organizing reviews of States in the region, such as in the UN regional offices, in order to be closer to national stakeholders and rights holders and to achieve mutual enhancement, complementarity and synergies between regional and international human rights mechanisms and institutions. This would give the treaty body system greater visibility and strengthen the system by fostering a stronger sense of universal ownership. Given the current global situation, it was also specified that conducting reviews at regional level requires a flexible approach.
68. However, a few have taken a stand against reviews in the region and the interaction between the treaty bodies and other human rights mechanisms, including regional mechanisms, raising concern regarding mandate- and budget-related issues.

- 69. The co-facilitators acknowledge the positive value of introducing reviews in the region as an important step towards increased domestic stakeholder accessibility, enhanced visibility of the treaty body system and closer interaction with national and regional human rights system. Therefore, the co-facilitators encourage treaty bodies' engagement with UN Member States at regional level. This could include, inter alia, organizing reviews of States in the UN regional offices, follow-up webinars on concluding observations and sharing good practices on follow-up to recommendations.**

5. Capacity building and technical assistance

70. There is a call for further strengthening of the role of the Office of the High Commissioner for Human Rights in supporting the treaty body system and providing technical assistance for capacity building. The capacity building program could prioritize assisting States to submit reports and whenever necessary to establish new or strengthened national mechanisms for reporting and follow-up.
71. A number of submissions underline the need to ensure that provisions of technical assistance and capacity building are properly funded and prioritized to support States parties to build sustainable capacity for the preparation of their reports to the treaty bodies, especially for SIDS and LDCs.
72. In addition, it is suggested that the Office of the High Commissioner for Human Rights should commission a thorough, inclusive, independent and publicly available evaluation of the capacity-building programme. Such an assessment should look into the relevance, effectiveness, efficiency, impact and sustainability of the programme, from the perspective of State and non-state users of the treaty bodies. The evaluation report should be made public. Any continuation or renewal of the programme should fully integrate the participation of non-state actors, including civil society and national human rights institutions.
- 73. It is the view of the co-facilitators that a key element for strengthening the effective functioning of the treaty body system is that it be accompanied with strengthened capacity building. It is essential to enable developing countries and small States with limited human and technical resources to comply with their reporting obligations. In this regard, the Office of the High Commissioner for Human Rights should be adequately staffed to support capacity building strategies such as support to developing countries, SIDS, LDCs and small states on their online engagement with treaty bodies and capacity building of civil society.**

6. Budgetary issues

74. For the effective functioning of the treaty body system, a long-term, sustainable solution is required to make it as efficient as possible and flexible enough to deal with a growing number of reporting, increases in ratifications and possible additions of new instruments in the future.
75. In terms of financing, there feature two main views:

- The majority considers the funding of the treaty body system and the allocation of adequate funding a key priority, with the currently insufficient resources presenting a major challenge both for the treaty bodies and the Secretariat. According to them, the automatic allocation of resources as per General Assembly Resolution 68/268 has not been implemented. These budgetary issues require not only the commitment of Member States to fulfill their financial obligations to the UN but also coordinated actions at the UN General Assembly 5th Committee to ensure adequate funding to the UN Secretariat and treaty body system. Therefore, the resources formula contained in General Assembly Resolution 68/268 needs to be adapted. Suggestions include the following:
 - 1) to integrate a forward-looking formula regarding the allocation of meeting time, meaning to incorporate the prospective work of treaty bodies, in light of the decision by both Covenant Committees to move to a predictable eight-year review cycle and the prospect of other treaty bodies to move in this direction;
 - 2) to integrate the mandated activities not adequately covered by the current formula, such as inter-State communications, individual communications, as well as the work of the 'Committee on Enforced Disappearances' and the 'Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment';
 - 3) a clear calculation of the Secretariat resources required to support the work load identified.
- A number of contributions consider that the optimization of resources for the treaty bodies should not mean extra expenses. A better management of available resources by the treaty bodies themselves and by the Secretariat will lead to such optimization.

76. It is the view of the co-facilitators that the budgetary allocation and availability of resources for treaty bodies should not be subject to fluctuation as the treaty bodies deal with the implementation of legal obligations of States which if interrupted produces an immediate protection gap and impacts on individual rights directly.

77. Therefore, the co-facilitators are of the view that the General Assembly needs to provide the full allocation of resources required by the treaty bodies to effectively carry out their functions and mandates, including the need to secure the necessary supporting staff within the Secretariat. Furthermore, it would possibly be more appropriate to look at the funding needs of the system on the basis of the number of ratifications, and the expected compliance of States parties on a regular basis. Thus, the current funding formula of the human rights treaty body system in General Assembly Resolution 68/268 should be revisited. These budgetary issues require not only the commitment of Member States to fulfill their financial obligations to the UN but also, coordinated actions at the UN General Assembly 5th Committee to ensure adequate funding to the UN Secretariat and treaty body system.

IV. Recommendations for the way forward

78. The treaty body system is a corner stone of international human rights protection. Its relevance is beyond doubt and the system is more needed than ever, with all the human rights challenges across the globe. The work

undertaken by the treaty bodies gives life to the human rights conventions. Thus, it is the responsibility of the Member States together with all relevant stakeholders, including the treaty bodies themselves, to keep the treaty body system strong and independent and to strive for more effectiveness and efficiency.

79. The process confirmed that the adoption of General Assembly Resolution 68/268 was a milestone that has since proven its relevance. The process further demonstrated that there is consensus among Member States and all other relevant stakeholders that General Assembly Resolution 68/268 still provides the appropriate framework that would, if fully implemented, allow the treaty bodies to function more effectively.
80. At the same time, the process and the analysis in this report also show the remaining challenges and gaps in the implementation of General Assembly Resolution 68/268 and the need for adjustment to evolving situations as well as technical and procedural updates. In this regard, some delegations have indicated that such adjustments should be agreed upon by an appropriate intergovernmental process.
81. While the co-facilitation process allowed a rich and substantive discussion on several issues, including those highlighted in section III of this report, there are other aspects of the work of the treaty bodies that also require further discussion.
82. According to the results of the consultations, there appears to be common interest to take the various proposals made during the process further.
83. The co-facilitators thus came to the conclusion that a follow-up process is most appropriate to achieve the goal of strengthening and enhancing the effective functioning of the human rights treaty body system. Such a process would allow to pursue the discussions on all relevant topics and to have further exchanges on the different proposals made during these consultations in order to find a common landing zone that ultimately leads to a concrete outcome, where efforts towards consensus should be pursued. Besides the reaffirmation of General Assembly Resolution 68/268, such an outcome should complement the mentioned resolution where needed, reflecting the findings and recommendations outlined in this report.

Annex

List of informal consultations and other meetings

- All written contributions received during this process are published on the following OHCHR webpage:
<https://www.ohchr.org/EN/HRBodies/HRTD/Pages/Co-Facilitation-Process.aspx>
- The informal consultation with Member States in New York on 27 July 2020 is accessible on UN Web TV: <http://webtv.un.org/search/thevirtual-informal-consultations-on-the-review-of-the-united-nationshuman-rights-treaty-bodysystem/6175758704001/?term=&lan=English&cat=Meetings%2FEvents&sort=date&page=7>
- The informal consultation with Member States in Geneva on 28 August 2020 is accessible on UN Web TV: <http://webtv.un.org/watch/morningsession-informal-consultations-on-the-state-of-un-human-rights-treatybodysystem/6185390451001/?term=%2c%20http://webtv.un.org/watch/afternoon-session-informal-consultations-on-the-state-of-un-human-rightstreaty-body-system/6185503852001/?term=>
- The continuation of the informal consultation with Member States in Geneva on 2 September 2020 is accessible on UN Web TV:
<http://webtv.un.org/search/informal-consultations-on-state-of-unhuman-rights-treaty-body-system-02.09.2020/6186904750001/?term=&lan=english&cat=Meetings%2FEvents&page=5>
- The informal consultation with all other relevant stakeholders, such as civil society and national human rights institutions, on 28 August 2020 is accessible on UN Web TV: <http://webtv.un.org/watch/afternoonsession-informal-consultations-on-the-state-of-un-human-rights-treatybodysystem/6185503852001/?term=%2c%20http://webtv.un.org/watch/afternoon-session-informal-consultations-on-the-state-of-un-human-rightstreaty-body-system/6185503852001/?term>
- A summary of the meeting with the Chairpersons of the treaty bodies on 28 July 2020 is published on the following OHCHR webpage:
<https://www.ohchr.org/EN/HRBodies/HRTD/Pages/Co-Facilitation-Process.aspx>
- A summary of the meeting with the UN High Commissioner for Human Rights and her team in Geneva on 28 August 2020 is published on the following OHCHR webpage:
<https://www.ohchr.org/EN/HRBodies/HRTD/Pages/Co-Facilitation-Process.aspx>
- The launch meeting on 2 June 2020 is accessible on UN Web TV:
<http://webtv.un.org/meetings-events/general-assembly/watch/part-1-virtual-informal-consultations-to-launch-the-review-of-the-unitednations-human-rights-treaty-body-system/6161187987001/?term=>

<http://webtv.un.org/search/part-1-virtual-informal-consultations-to-launch-the-review-of-the-united-nations-human-rights-treaty-body-system/6161212506001/?term=&lan=English&cat=Meetings/Events&sort=date&page=6>

- The technical expert level briefing on the treaty body system on 4 June 2020 is accessible on UN Web TV: <http://webtv.un.org/meetingevents/general-assembly/watch/general-assembly-virtual-technical-briefing-for-the-review-of-the-united-nations-human-rights-treaty-body-system/6162151179001>
- The wrap-up meeting with Member States in New York on 11 September 2020 is accessible on UN Web TV: <http://webtv.un.org/search/virtual-wrap-up-meeting-of-the-human-rights-treaty-body-review-process/6190033497001/?term=&lan=English&cat=Meetings%2FEvents&sort=date&page=7>