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Inter-Committee Meeting of the human rights treaty bodies

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Item 5 (a) of the provisional agenda

Enhancing the effectiveness of the treaty bodies: a coordinated approach to the work of the treaty bodies: the structure of the constructive dialogue with States parties; the structure and length of concluding observations; and interaction with stakeholders, in particular national human rights institutions and non-governmental organizations.

The structure of the dialogue between treaty bodies and States parties, the structure and length of concluding observations, and the mode of interaction of treaty bodies with stakeholders, in particular national human rights institutions and civil society actors*

Note by the Secretariat

I. Introduction

1. The eleventh Inter-Committee Meeting and twenty-second meeting of the chairpersons of the human rights treaty bodies recommended that the twelfth Inter-Committee meeting focus on the structure of the dialogue with States parties and interaction with stakeholders, in particular national human rights institutions and non-governmental organizations (A/65/190, para. 48 (b)). It was further agreed that the discussion on the structure and length of concluding observations be continued (*ibid.*). The Inter-Committee Meeting requested that background documentation be prepared by the Secretariat, including indications of current practices and suggestions for possible areas of harmonization (*ibid.*, para. 48 (c)).

2. The present note takes into account concerns raised and proposals made during the various consultations that have taken place in the context of the treaty body strengthening process, including the treaty body consultations organized by the Human Rights Treaties Division as of October 2010 in preparation for the twelfth Inter-Committee Meeting. The

* Late submission.

purpose of this note is to serve as a basis for further discussion and reflection by the Inter-Committee Meeting.

II. The structure of the dialogue between treaty bodies and States parties

3. Although not explicitly provided for in the treaties, all human rights treaty bodies have adopted the practice introduced by the Committee on the Elimination of Racial Discrimination (CERD) in 1972 of considering States parties' reports in the presence of representatives from the reporting State party. This approach may be contrasted with the "technical review" previously used by the Committee on the Rights of the Child (CRC) with respect to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the paper-based procedures adopted by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations in considering reports by States parties with respect to the more than 150 ILO conventions that impose reporting obligations. See table 1 for the number of reports examined per year.

Table 1
Number of reports examined each year by the treaty bodies

	<i>Number of sessions per year</i>	<i>Number of weeks per session</i>	<i>Number of reports per session</i>	<i>Number of reports considered annually</i>	<i>Number of weeks for pre-session working groups per year</i>
CERD	2	4	12	24	
Human Rights Committee	3	3	4-5	13	
CESCR	2	3	5	10	2
CEDAW	3	3	8	24	3
CAT	2	4	8-9	17	
CRC ^a	3	3	9-12	32	3
CMW	2	1-2	1-4	3-5	
CRPD	2		1	2	

^a The number of reports includes both Convention and Optional Protocol reports and refers to 2011.

A. Duration and timing of meetings for the examination of reports

4. The duration and timing of meetings devoted to the examination of States parties' reports also varies from committee to committee as can be seen from table 2. CERD, the Human Rights Committee, CRC and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) devote two meetings of three hours each to the constructive dialogue. The Committee on the Elimination of Discrimination against Women (CEDAW) dedicates a meeting of three hours and another meeting of two hours to the public examination of each State party report, and the Committee against Torture (CAT) a meeting of two hours followed by another meeting of three hours.

5. With the exception of CEDAW and CRC, committees ensure that those meetings take place on two different days, allowing members of the delegation time overnight to address issues raised in the questioning. CRC considers each report over one day, although extra time may be allocated by the Committee in exceptional circumstances, and it considers each report submitted under the Optional Protocols to the Convention in half a day. When CRC considers all three reports of a State (i.e. on the Convention and the two Optional Protocols), it may take three meetings (a day and a half). The Committee on Economic, Social and Cultural Rights (CESCR) generally considers reports over three meetings but has, exceptionally, scheduled reports over two meetings. The Human Rights Committee, in principle, considers initial reports over three meetings and periodic reports over two meetings, with the possibility of extending the consideration for part of a meeting or for an additional meeting if necessary (States parties are informed in advance of this possibility).

Table 2

Duration and timing of meetings devoted to the examination of States parties reports

<i>Committee</i>	<i>Number of meetings/hours</i>	<i>Timing</i>
CERD	Two meetings of three hours (six hours)	One morning or afternoon meeting for the first part of the dialogue and one morning or afternoon meeting of the following day for the second part
Human Rights Committee	Two meetings of three hours for periodic reports (six hours) Three meetings of three hours for initial reports (nine hours)	One afternoon meeting for the first part of the dialogue and one morning meeting of the following day for the second part
CESCR	Two meetings of three hours and one meeting of two hours (eight hours)	The first day may consist of one or two meetings, followed by the remainder on the next day.
CEDAW	One meeting of three hours and one meeting of two hours (five hours)	One morning and one afternoon meeting on the same day
CAT	One meeting of two hours and one meeting of three hours (five hours)	One morning or afternoon meeting for the first part of the dialogue and one morning or afternoon meeting of the following day for the second part
CRC	Two meetings of three hours (six hours)	One morning and one afternoon meeting of the same day
CMW	Two meetings of three hours (six hours)	One afternoon meeting for the first part of the dialogue and one morning meeting of the following day for the second part
CRPD	Three meetings of three hours (nine hours)	One morning and one afternoon meeting for the first part of the dialogue, and one morning meeting of the following day for the second part

B. Conduct of the constructive dialogue

6. The constructive dialogue in all of the committees follows the same general structure:

(a) The State party is invited to send a delegation to attend the meetings at which the committee will consider the State party's report;

(b) The head of the delegation is invited to make a brief opening statement and, in some committees, such as the Human Rights Committee, the delegation may be requested to provide an oral summary of the State party's written replies to the lists of issues;

(c) Members of the committee, in some cases led by the country rapporteur(s) or country report task force members, raise questions on specific aspects of the report of particular concern.

7. After a formal welcome by the Chairperson, the head of the delegation is invited to make an opening statement. The length of the opening statement varies from 10 to 60 minutes depending on the committee, as can be seen in table 3. Following the opening statement and after questions are posed by members, the delegation is urged to provide precise, short and direct responses to questions asked, in the interest of time management. In the case of the Human Rights Committee, guidelines on the presentation of reports during their examination by the Committee are sent to the States parties.

Table 3

Duration of opening remarks by the State party delegation

<i>Committee</i>	<i>Duration of opening remarks by the State party delegation</i>
CERD	Maximum of 60 minutes
Human Rights Committee	Maximum of 15 minutes
CESCR	Maximum of 15 minutes
CEDAW	Maximum of 30 minutes
CAT	Maximum of 15 minutes
CRC	Maximum of 15 minutes
CMW	Maximum of 15 minutes
CRPD	Maximum of 30 minutes

8. After introductory comments, committee members may make comments, observations and ask questions or seek clarification with regard to the report. CEDAW imposes strict time limits on members (two interventions of three minutes per member, or one intervention of six minutes), with the time limit being monitored by a speech timer.

9. CESCR, CRC, CEDAW (for periodic reports only) and the Committee on the Rights of Persons with Disabilities (CRPD) consider each report by clusters of articles, inviting the delegation to reply immediately after each cluster. In the Human Rights Committee, following the delegation's opening statement, the members of the task force ask the questions in the first part of the list of issues. This is followed by extra questions from other members and then a response to all questions in the first half by the delegation. The members of the task force and other members then ask follow-up questions. If translations of the replies to lists of issues are not forthcoming, the delegation may be requested to provide a summary of its written replies following its opening statement. The remaining committees pose all their questions article by

article in one block before the delegation is given the floor to respond to all the questions asked by the treaty body experts. (See table 4.)

Table 4

System of posing questions

<i>Committee</i>	<i>Questions are posed</i>
CERD	In one block
Human Rights Committee	On the first part of the list of issues in one block The second part of the list of issues is dealt with in the same way
CESCR	By clusters
CEDAW	By clusters for periodic reports Article by article for initial reports
CAT	The first rapporteur asks questions on articles 1 to 9; the second rapporteur on articles 9 to 16; and the other members pose their questions article by article in one block. The delegation is given the floor after all questions have been asked
CRC	By clusters
CMW	In one block
CRPD	By clusters

C. The role of the country rapporteur during the dialogue

10. Most committees appoint one member (two in the case of CAT and CMW, one to two in the case of CRC, and one to three in the case of the Human Rights Committee) to act as country rapporteurs with respect to the report under consideration. Where possible, CEDAW appoints a rapporteur from the same geographical region as the State party whose report is being considered. Except in the case of the Human Rights Committee, the identity of the country rapporteur is public.

11. In some committees, rapporteurs take the lead in posing questions to the State party's delegation during the constructive dialogue and summing up after the discussion. Rapporteurs have the primary responsibility for drafting the committee's concluding observations on the State party's report. In CAT, CERD, CRC and CMW, the country rapporteurs are the first members to pose questions to the delegation, and in CERD and CRC, also the last to address the delegation. In CESCR, the country rapporteur may open the dialogue with questions concerning the implementation of the previous concluding observations for the State party under review but is not expected to sum up the discussion. CEDAW country rapporteurs have a strong and proactive role in coordinating the work of the Committee regarding the consideration of States parties' reports. The rapporteurs prepare country briefing notes which are circulated to the Committee 7 to 10 days prior to a session (see annex I). They systematically brief the CEDAW members in closed meetings the day prior to the examination of the report, as well as immediately after the consideration of the report when the main concerns and preliminary recommendations are identified. The rapporteur also coordinates input from other committee members prior to the adoption of concluding observations. In CRC, a 15-minute briefing by the rapporteur may also be held the day before the consideration of a State party report.

12. In some committees, the country rapporteur works in close cooperation with the country task force. In the Human Rights Committee, members of the country report task force are allocated specific questions from the list of issues to pose to the delegation during the constructive dialogue. CEDAW used country task forces when it met in parallel chambers and has also done so when considering exceptional reports.

D. The delegation's responses to members' questions during the session

13. In CEDAW, CESCR, CRC and CRPD, members pose questions by clusters of articles, and the delegation is invited to respond to each cluster immediately, before moving to the next group of questions. In CRC, a short break is allowed between each cluster of questions, in which the members of the delegation can confer. The delegation may defer the answering of a restricted number of questions that it wishes to refer to its capital for information. Where questions have not been answered or not answered to the satisfaction of committee members in CEDAW and CRC, members will ask follow-up questions during the dialogue. If further information is still required, the committees will request the State party to respond to such concerns, which will be expressed in the concluding observations, in its next periodic report. CESCR and CMW allow, upon request, a brief pause to enable the delegation to organize itself. If outstanding questions remain, some committees allow supplementary information to be submitted in writing within 40 hours of the conclusion of the dialogue, which will be taken into consideration during the formulation of the concluding observations.

14. In the Human Rights Committee, following its statement the delegation responds to the first part of the list of issues, after which members of the country report task force ask follow-up questions. If other members wish to do so, they may also pose questions to the State party delegation. The remainder of the list of issues is handled in the same fashion. A short break after Committee members' questions allows State party delegates to confer. The delegation may defer answering a few questions that may require consultation with the capital for information. Such information can then be provided in writing within specific deadlines publicly announced by the Chairperson of the Committee (within at most two days, to enable the Committee to take the additional information into account in the process of drafting the concluding observations).

15. In CERD, following the statement by the head of the delegation, the country rapporteur takes the floor for about 30 minutes to make an introductory assessment on the status of the Convention in the State party under consideration and to pose initial questions. He or she is then followed by Committee members' additional questions all in one block, to which delegations respond at the beginning of the second meeting, after which a further, interactive exchange of questions and answers is held for the remainder of that meeting. In CAT, reports are introduced by the delegation; after the opening statement, the two rapporteurs ask questions, followed by the committee as a whole. In the case of periodic reports where no written replies to the list of issues and questions have been received, the delegation is requested to provide such replies orally before the Committee poses further questions.

E. Suggestions for harmonization based on treaty body practices

16. The various consultations held in the context of the treaty body strengthening process since 2009 have highlighted the importance of the constructive dialogue as a way of engaging with States parties and assessing progress achieved towards the implementation of their human rights obligations under the various treaties they have ratified. Concerns were raised, however about the lack of structure of the constructive dialogue in some cases;

and the lack of coordination among committee members as shown at times in the duplication of questions posed. According to views expressed during the consultations, the insufficient time management experienced in many treaty bodies sometimes prevents in-depth engagement with the States party on the main areas of concern.

1. Improved time management

17. In the light of the above concerns, suggestions were made to have shorter introductory remarks by the State party delegation in the case of some committees. While most treaty bodies have limited the opening statement to 15 minutes (Human Rights Committee, CESCR, CAT, CRC and CMW), the limit in other committees varies between 30 (CEDAW and CRPD) and 60 minutes (CERD). In CERD, lists of themes have replaced lists of issues and no longer require written replies. They provide the State party with an indication of the most salient issues that will guide the constructive dialogue. Delegations are given a maximum of 60 minutes to provide information on the topics identified in the list that the State party receives prior to the consideration of the report. Some concerns were raised, however, that too much time was spent by delegations providing oral responses to lists of themes, taking away important time from the constructive dialogue.

18. In order to maximize the use of time available and allow for a more interactive dialogue with the State party, the Inter-Committee Meeting may wish to consider recommending a maximum limit of 15 minutes for State parties' introductory remarks if deemed appropriate.

19. Concern was also expressed, in the course of the various consultations, at the length of interventions by experts taking the floor during the consideration of a State party's report, which at times did not allow for a sufficiently interactive dialogue with the delegation. With the exception of CEDAW, treaty bodies have not set a time limit with respect to committee members' interventions.

20. In order to further enhance the efficiency of the dialogue, the Inter-Committee Meeting could consider encouraging the various committees to introduce a time limit for interventions by experts. The length of interventions may need to be determined by each committee depending on the size of the treaty body concerned, and on whether the committee meets in parallel chambers, in which case interventions by members could be longer.

2. More structured dialogue

21. During the various consultations on strengthening the treaty body system, the need for an increased coordination of committee members' interventions in the light of time constraints was highlighted on several occasions. As indicated earlier, the Human Rights Committee, and CEDAW when it met in parallel chambers, use or have used country task forces during the consideration of a State party's report. According to this format, a fewer number of members take the lead in the discussion and pose questions to the delegation. Non-members of the task force ask follow-up questions when issues raised by the members of the task force are not sufficiently answered by the delegation or trigger complementary requests for information.

22. As suggested in the context of the consultations, the Inter-Committee Meeting could consider recommending that committees give due consideration to the idea of establishing country task forces for the consideration of State party reports, including for the constructive dialogue, as described in paragraph 21 above. This format could be conducive to a more focused dialogue, with non-members of the task force intervening when further clarification is needed from the State party on questions by

the task force, and could further enhance the quality of the concluding observations adopted subsequently.

23. While in some committees questions are organized by cluster of articles, concern was expressed that questions are often not posed in a coordinated manner, which does not allow for a sufficiently coherent and efficient exchange with the delegation. In addition to following a cluster approach, in CEDAW, CESCR and CRC the country rapporteur circulates in advance a list of speakers among members the day before the consideration of a State party's report. When registering on the list, members are invited to indicate which articles or topics their questions will cover, therefore ensuring a better coordination among speakers (see annex II). The chairperson then follows the list and calls on members to interact with the delegation.

24. The Inter-Committee Meeting could consider recommending that individual committees structure their questions around clusters of articles in order to allow delegations to organize their replies more efficiently. The adoption of a list of speakers following these clusters could also allow for stronger and more effective coordination among members, hence avoiding potential overlaps and repetitions in the questions posed by committee members.

3. Increased role of the country rapporteur

25. The role of the country rapporteur in the preparation of the constructive dialogue could also be strengthened in order to address the concern raised in the context of the various consultations that questions posed by experts may sometimes be repetitive rather than complementary. As indicated in paragraph 11 above, the country rapporteur in CEDAW is responsible for preparing a briefing note that is circulated to all members 7 to 10 days before the consideration of a State party's report. Also, as mentioned earlier, in CEDAW, CESCR and CRC the rapporteur coordinates the list of speakers prior to the constructive dialogue.

26. The Inter-Committee Meeting may wish to recommend that the rapporteur increasingly contribute to the preparation for a dialogue with a State party. This could be done through prior consultation and coordination among members on issues they wish to raise. To this effect, the Inter-Committee Meeting could recommend that the rapporteur play a more proactive role, and that he or she could be responsible for flagging to the other committee members on the basis of his or her analysis the main areas of concern and the priorities to be addressed. If the information available on the implementation of a provision of the concerned treaty is satisfactory, the rapporteur could also indicate to the members that questions do not need to be posed in that regard.

III. Structure and length of treaty body concluding observations

27. All treaty bodies have adopted the practice established by CESCR in 1990 of formulating concluding observations following the consideration of the reports of States parties. In general, these take the following structure: introduction; positive aspects; principal subjects of concern; and suggestions and recommendations. Concluding observations may also include factors and difficulties impeding the implementation of the treaty, a request for their wide dissemination in the State party concerned, an invitation to ratify all core international human rights treaties, and the due date of the next periodic report. In the case of the Human Rights Committee, CAT, CERD and CEDAW, a paragraph is also included requesting that additional information be provided to the committees under their respective follow-up procedure. In addition to recommendations

selected under its follow-up procedure, CERD calls the attention of the States parties to an average of four recommendations that should be given particular attention and reported upon in detail in the next periodic report.

28. Concluding observations of the treaty bodies adopted in 2010 vary from 6 to 13 pages.¹ Those adopted by CRC with respect to the Convention on the Rights of the Child, however, average 21 pages (with separate concluding observations that average 7 pages each for the two Optional Protocols). (See table 5.)

Table 5
Average length of concluding observations

<i>Treaty</i>	<i>Number of substantive provisions</i>	<i>Average number of pages in the concluding observations</i>
International Convention on the Elimination of All Forms of Racial Discrimination	7 articles	6-7
International Covenant on Civil and Political Rights	27 articles	6-7
International Covenant on Economic, Social and Cultural Rights	15 articles	8-9
Convention on the Elimination of All Forms of Discrimination against Women	16 articles	11-13
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	16 articles	10-11
Convention on the Rights of the Child	40 articles	20-21
Optional Protocol on the sale of children, child prostitution and child pornography	10 articles	7
Optional Protocol on the involvement of children in armed conflict	7 articles	7
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	71 articles	8-9
Convention on the Rights of Persons with Disabilities	33 articles	8

A. Suggestions for harmonization based on the practices of treaty bodies

29. The eleventh Inter-Committee Meeting recommended that each treaty body should explore ways of reducing the length of its concluding observations in order to achieve greater efficiency and impact without jeopardizing the quality of those concluding observations or the exercise of the monitoring mandate of the respective treaty body. The eleventh Inter-Committee Meeting further recommended that all treaty bodies should take due account of their previous concluding observations, as well as any follow-up information provided or remaining outstanding and views, decisions and opinions adopted under the individual complaints procedures, if applicable, when drafting lists of issues, lists of issues prior to reporting and concluding observations (A/65/190, para. 48 (h) and (i)).

¹ In all committees, the country rapporteur coordinates the drafting process, collecting comments and suggestions from other members before the draft is discussed and adopted in formal session.

30. In the course of the various consultations on treaty body strengthening, different stakeholders have highlighted the need to improve the structure and reduce the length of concluding observations. In this context, it was stressed on many occasions that concluding observations containing a high number of recommendations may become too cumbersome for States parties to implement before the next reporting cycle. Similarly, United Nations country teams, national human rights institutions and civil society actors may experience difficulties in following up on all treaty body recommendations at the national level, also taking into account the fact that most States are parties to several international human rights treaties.

31. Stakeholders have also called on treaty bodies to structure their recommendations in a way that will further enhance their implementation. Furthermore, concerns were raised about the lack of focus and insufficient country specificity of concluding observations, which would also need to be addressed.

Improved structure

(a) Subject headings

32. **In order to make concluding observations more user-friendly for States parties, as well as for all stakeholders involved in monitoring their implementation, the Inter-Committee Meeting could consider recommending individual treaty bodies to follow the practice established by CAT, CRC, CEDAW and CMW to cluster concerns and related recommendations around topics rather than follow an article by article approach, and to use subject headings at the beginning of each cluster. This practice may facilitate the indexing of treaty body recommendations in a clearer manner, and be conducive to a more effective implementation and follow-up by relevant State entities.**

(b) Follow-up of previous recommendations

33. **Following the practice of CRC, the Inter-Committee Meeting could consider recommending that individual treaty bodies include a paragraph in concluding observations indicating whether the State party under consideration has complied with the previous recommendations and which ones have not been implemented. Previous recommendations should be the point of departure of the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the last review. Outstanding recommendations should therefore be reiterated while new concerns relating to more recent developments should also be included.**

(c) Suggested format

34. **The Inter-Committee Meeting may wish to further encourage treaty bodies to produce focused recommendations, limiting the length of paragraphs and number of subparagraphs by focusing on the main areas of concern. To this end, the Inter-Committee Meeting could consider the following proposal:**

- **Each paragraph would be limited to a maximum of three issues.**
- **The concern would be drafted with a maximum of three sentences.**
- **The recommendation would consist of a chapeau, if applicable, and up to three recommendations matching the order of the concerns and drafted as points (a), (b) and (c).**
- **Concerns and recommendations would be prioritized.**

35. In the context of the treaty body consultations, a variety of stakeholders have on numerous occasions called on treaty bodies to prioritize the content of concluding observations with a view to enhancing implementation at the domestic level and facilitating monitoring by the committee. Concluding observations could to a large extent mirror priorities raised by treaty body members during the constructive dialogue under the coordination of the country rapporteurs, who will bring to the attention of the committee the main areas of concerns as well as proposed recommendations, as suggested in the section above. This could be applied for periodic reports in particular, as initial reports may require guidance on most areas of the relevant treaty.

36. Furthermore, during her meeting with the Inter-Committee Meeting working group on follow-up to concluding observations, decisions on individual complaints and inquiries, in January 2011, the United Nations High Commissioner for Human Rights noted that she shared the view expressed by many treaty body members that prioritization in the field of human rights is particularly difficult, as it may conflict with the indivisibility of all human rights. However, she believed that treaty bodies could consider structuring their concluding observations around immediate, medium-term and long-term deliverables when transmitting them to States parties. She recalled that during her numerous country visits, she had often heard from State officials requests for guidance as to how to prioritize and implement treaty body recommendations. When treaty body recommendations are combined with special procedures and the universal periodic review, the total number of recommendations often reaches impressive numbers. In the view of the High Commissioner, restructuring concluding observations along more workable parameters would undoubtedly facilitate implementation by States parties, as well as follow-up by United Nations country teams, including her Office, and by national human rights institutions and civil society actors.

37. The Inter-Committee Meeting may wish to further discuss the proposal of the High Commissioner to restructure the concerns and recommendations identified in their concluding observations around time-bound outputs.

(d) Standard language

38. All concluding observations contain a number of standard paragraphs. **The Inter-Committee Meeting could invite individual committees to discuss whether all the standard paragraphs would need to be maintained or whether their use should be restricted to specific country contexts in which they could be deemed to be relevant and applicable. Some standard paragraphs may need to be maintained for all countries while others could be applied in a flexible manner. The concrete decision in this respect could be left to the country rapporteur.**

39. **With a view to making concluding observations more country specific and targeted, the Inter-Committee Meeting could also recommend that all treaty bodies carefully review the language selected when drafting recommendations, as these are sometimes described as too generic.** Focused concluding observations would undoubtedly contribute to improving the quality of subsequent States parties reports, and facilitate follow-up by all relevant stakeholders.

(e) Shorter concluding observations

40. Table 5 indicates that CMW monitors the implementation by States parties of the lengthiest international human rights treaty, with its 71 substantive provisions. This Committee nevertheless adopts concluding observations which average eight to nine pages (this can partly be attributed to the specificity of the treaty's focus). The elements suggested earlier, notably shorter paragraphs with fewer concerns identified; prioritization of concerns and recommendations; and selected use of standard paragraphs could contribute to reducing

the length of concluding observations while maintaining their quality and potentially enhancing their impact at the national level.

41. **While respecting the specificities of each treaty body, the Inter-Committee Meeting may consider recommending that individual committees agree on a reasonable length without compromising the quality of their concluding observations. This decision would need to be made taking into account the number of substantive provisions and the scope of each treaty concerned.**

IV. Mode of interaction with stakeholders, in particular national human rights institutions and civil society actors

A. Participation of national human rights institutions

42. Three committees have adopted general comments on the role of national human rights institutions in their work. General comment No. 10 (1998) of CESCR acknowledges the role of national human rights institutions (NHRIs) in monitoring implementation of the Covenant at the national level. CERD, in its general recommendation No. 17 (1993) concerning the establishment of national institutions to facilitate implementation of the Convention, recommends that where NHRIs have been established, “they should be associated with the preparation of reports” (para. 2). The detailed general comment No. 2 (2002) of CRC includes a section on reporting to the Committee and cooperation between NHRIs and United Nations agencies and human rights mechanisms. The Committee suggests that NHRIs should contribute independently to the reporting process and “monitor the integrity of government reports to international treaty bodies with respect to children’s rights, including through dialogue with the Committee on the Rights of the Child at its pre-session working group and with other relevant treaty bodies” (para. 20). It also considers it appropriate for States parties to consult with independent human rights institutions during the preparation of their reports to the Committee, provided that the independence of these bodies and their independent role in providing information to the Committee is respected. CRC considers that “it is not appropriate to delegate to NHRIs the drafting of reports or to include them in the government delegation when reports are examined by the Committee” (para. 21).

43. With the agreement of the respective State party delegation, CERD has provided NHRIs that were present with the opportunity to make an oral presentation of approximately 15 minutes in the plenary on the second day of the consideration of the State party’s report. NHRI representatives are seated separately from representatives of NGOs, with a sign clearly identifying them. At its seventy-first session, the Committee formalized this procedure through an amendment to its rules of procedure.² Since its thirty-third session, CEDAW allows NHRIs to make an oral presentation to the Committee in a public meeting for stakeholders. At its fortieth session, the Committee adopted a statement on its relationship with NHRIs,³ in which it recognized that NHRIs may contribute in various ways to the work of the Committee under the monitoring procedures of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. CESCR also provides NHRIs with an opportunity to address the Committee in public if they so wish, on the first day of the session, in a public meeting for stakeholders.

² *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18 (A/62/18)*, annex IX, rule 40, para. 2.

³ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 38 (A/63/38)*, Part One, annex II.

44. NHRIs may request a private meeting with CRC and CESCR. NHRIs may provide information to CRC in closed meetings during the pre-sessional working group and may respond to requests to clarify or supplement such information. CRC engages both with general NHRIs and child-specific NHRIs, including children's ombudsmen, where these exist. NHRIs may provide members of the Human Rights Committee with information on issues relating to the consideration of reports of States parties, in a closed meeting on the first day of the session and during informal meetings outside the Committee's working hours, and may respond to requests to clarify or supplement such information. CMW invites NHRIs to submit written information and to attend both the private meeting with the Committee in preparation of the list of issues as well as the consideration of the report. Since its fifth session, the Committee provides the representative of the NHRI present with an opportunity to make an oral presentation in a public meeting during the session at which the State party's report is considered, and to provide additional information during lunch briefings. (See table 6.) All treaty bodies regularly invite NHRIs, through the National Institutions and Regional Mechanisms Section of OHCHR and, more recently, the Geneva-based representative of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, to submit information and attend its sessions.

Table 6

Meetings with national human rights institutions

<i>Committee</i>	<i>Meetings with national human rights institutions</i>
CERD	Oral presentation of 10-15 minutes during the second day of constructive dialogue; additional morning/lunch-time closed meetings with rapporteur possible
Human Rights Committee	Closed meeting on the first day of the session Lunch time briefings
CESCR	In a closed meeting during the pre-session working group In a public meeting for stakeholders on the first day of the session but may also request to meet with the Committee in private
CEDAW	In a closed meeting during the pre-session working group In a public meeting for stakeholders on the Monday preceding the consideration of the State party's report
CAT	Outside of the plenary session
CRC	In a closed meeting during the pre-session working group
CMW	In a public meeting for stakeholders during the session prior to the consideration of the State party's report Closed meeting for the elaboration of lists of issues
CRPD	In a public meeting for stakeholders on the first day of the session

B. Interaction with civil society actors

45. Although all treaty bodies have developed modalities for interaction with NGOs, article 45 (a) of the Convention on the Rights of the Child, article 74, paragraph 4, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 38 (a) of the Convention on the Rights of Persons

with Disabilities expressly provide for a role for NGOs in the work of the treaty body. Article 45 (a) provides for CRC to seek expert advice on implementation of the Convention from specialized agencies, the United Nations Children's Fund and "other competent bodies", which, according to the travaux préparatoires, is understood to include NGOs. Since its first session in 1991, the Committee has systematically encouraged NGOs to submit reports, documentation or other information in order to provide it with a comprehensive picture and expertise as to how the Convention is being implemented in a particular country.

46. Article 74, paragraph 4, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that CMW may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies, to submit written information to the Committee. The Committee has interpreted "other concerned bodies" to include NGOs. At its ninety-seventh session, the Human Rights Committee appointed one of its members as a focal point for liaising with NGOs. CESCR and CRC have adopted specific guidelines on NGO participation in their work (E/C.12/2000/6 and CRC/C/90, annex VIII, respectively). CESCR sets aside half a day during the first day of both its sessions and pre-session working groups to hear statements from external partners.

47. The CRC devotes half a day per State party under consideration to meetings with partners in advance of the constructive dialogue during its pre-session working group. This means that NGOs, the United Nations and other partners will all meet the Committee at the same time to discuss one State party (which may be scheduled for consideration of a report or reports concerning implementation of the Convention on the Rights of the Child, either or both of the two Optional Protocols, or all three). CEDAW invites representatives of NGOs to make oral or written statements and provide information or documentation to the Committee or its pre-session working group (rule 47 of the rules of procedure), and there is an information note for NGOs on the matter on its web page. CERD also welcomes representatives of NGOs to make statements and provide information or documentation to the Committee; it includes an information note for NGOs on the matter, in up to three languages, with the session information on its web page. United Nations partner agencies usually provide information to CERD on the first day of the session. Following several suggestions from various members and NGOs for a meeting on how to better collaborate with the Committee, the Human Rights Committee agreed that the first meeting of the 102nd session in July 2011 should be largely reserved to engage with NGOs and NHRIs on this issue.

1. Submission of written information

48. CAT, CERD, CMW and the Human Rights Committee invite NGOs to submit reports containing country-specific information on States parties whose reports are due for consideration;⁴ e. CERD also welcomes information relevant to the lists of themes. CESCR and CEDAW similarly welcome written information from national and international NGOs at both their pre-session working groups, during the drafting of the list of issues and the full committee session at which the State party report will be considered. CRC requires submissions to be made, if possible, two months prior to its pre-session working group. NGOs are encouraged to form coalitions and submit joint reports, and can be supported in

⁴ See for example, *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18 and Corr.1), annex IV, section B ; CAT, rule 63 of the amended rules of procedure (CAT/C/3/Rev.5); CMW, rule 28 of the provisional rules of procedure (HRI/GEN/3/Rev.1/Add.1, chap. I); see also *Official Records of the General Assembly, Sixtieth Session, Supplement No. 48* (A/60/48), para. 15.

this process by the NGO Group for the Convention on the Rights of the Child, an international umbrella NGO facilitating interactions between the Committee and civil society actors. Additional information may be submitted, if necessary and relevant, such as input further to publication of the lists of issues or replies received from the State party. CERD also accepts written submissions from NGOs in relation to its early warning and urgent action procedures, and these procedures may be invoked by NGOs.

2. Access to NGO information

49. The Secretariat ensures that any written information formally submitted to it by individuals or NGOs in relation to the consideration of a specific State party's report is published on the web page of the committee concerned and hence available to all parties including States. However, if an NGO requests confidentiality, committees will respect this.

3. Oral briefings during pre-sessional preparatory meetings

50. CEDAW, CESCR and CRC devote specific meetings during their pre-sessional working groups to NGOs in order to enable them to brief members orally on the situation in States parties whose reports are under consideration. Since March 2005, the Human Rights Committee has invited NGOs to address the Committee during the process of drafting lists of issues. The CRC, CEDAW and CESCR pre-sessional working groups meet with NGOs and other stakeholders in closed meetings.

4. Oral briefings during sessions

51. Most committees make provision for representatives of NGOs to brief members during the session at which the State party's report is to be considered. The Human Rights Committee and CESCR set aside meeting time on the first day of the session for this purpose, and CEDAW does so at the beginning of the first and second week of the session, according to its schedule. CAT invites NGOs to brief Committee members orally in private during formal meetings, devoted to one country at a time, the day before the report of the State party is considered. At its seventy-seventh session, CERD held an informal meeting with representatives of non-governmental organizations to discuss ways and means of strengthening cooperation. The Committee decided to have informal meetings with non-governmental organizations, at the beginning of each week of its sessions when States parties' reports are being discussed. Except in the cases of CESCR, where the meeting is open and covered by the United Nations Information Service, CEDAW and CERD, where the meeting is open, oral briefings during session time take place in closed meetings. At its fourth session, CMW decided that, in future, it would provide an opportunity for NGOs to brief the Committee publicly during the session at which the report of the State party concerned is to be considered. CRPD, at its fourth session, decided to reserve time early at each session to interact with NGOs. (See table 7.) CRPD also agreed that it would welcome lunchtime activities or briefings that NGOs might wish to organize during sessions.

5. Country-specific briefings to members during sessions

52. Additional informal briefings organized by NGOs at lunchtime are regularly convened for CERD, CEDAW, CESCR and the Human Rights Committee to allow NGOs to provide members with the most up-to-date country-specific information, in advance of the examination of a particular State party's report.

Table 7
Meetings with non-governmental organizations

<i>Committee</i>	<i>Meetings with non-governmental organizations</i>
CERD	In a public meeting for stakeholders on the Monday preceding the consideration of the State party's report Lunch time briefings
Human Rights Committee	Closed meeting on the first day of the session Lunch time briefings
CESCR	In a closed meeting during the pre-session working group In a public meeting for stakeholders on the first day of the session Lunch time briefings
CEDAW	In a closed meeting during the pre-session working group In a public meeting for stakeholders on the Monday preceding the consideration of the State party's report Lunch briefings
CAT	In a closed meeting the day prior to the consideration of the State party's report
CRC	In a closed meeting during the pre-session working group
CMW	In a public meeting for stakeholders during the session prior to the consideration of the State party's report Closed meeting for the elaboration of lists of issues Lunch briefings
CRPD	In a public meeting for stakeholders on the first day of the session

6. The role of NGO coalitions

53. In the case of several treaty bodies, coalitions at the national level are active in coordinating input. For example, CRC maintains a close working relationship with the NGO Group for the Convention on the Rights of the Child, a coalition of some 60 to 70 international NGOs, many of which were active in the drafting of the Convention and work together to promote its implementation. The NGO Group has a liaison unit that supports the participation of NGOs, particularly national coalitions, in the CRC reporting process, including coordination of NGO written submissions. It also supports the attendance of national NGOs at the Committee's pre-session working groups and sessions in Geneva. International Women's Rights Action Watch Asia Pacific facilitates interaction between NGOs and CEDAW through training sessions convened at the time of the Committee's sessions and, as is the case with other NGOs, coordinates the submission of NGO reports to CEDAW in advance of sessions. An informal network of NGOs focused on torture-related issues (Association for the Prevention of Torture, International Federation for Human Rights, International Federation of Action by Christians Against Torture and the World Organisation Against Torture) works with national partner NGOs to submit a consolidated report to CAT. The Centre for Civil and Political Rights promotes and facilitates NGO engagement with the Human Rights Committee.

54. The International NGO Platform on the Migrant Workers' Convention coordinates NGO input for CMW and facilitates interaction of national NGOs with the Committee. In an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, national coalitions for the coordination of NGO submissions have been formed. Often they are constituted on the occasion of the submission of the State party report and subsequently produce the synthesis report.

C. Recommendations to enhance interactions with national human rights institutions

55. In the Marrakesh statement on strengthening the relationship between NHRIs and the human rights treaty bodies system, adopted on 10 June 2011, it was recommended that the draft harmonized approach to NHRI engagement with treaty bodies, adopted in the Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies in Berlin in November 2006, be fully implemented.

56. The recommendations below are based on those outlined in the conclusions of the Berlin roundtable, as a number of them remain outstanding. The recommendations are not exhaustive but were selected on the basis of their relevance to the items to be discussed at the twelfth Inter-Committee Meeting. **The Inter-Committee Meeting may consider recommending that individual treaty bodies develop guidelines for engagement with NHRIs which could contain the following elements as appropriate.**

1. Reporting

57. **Treaty bodies could invite NHRIs to provide information which they could receive before the drafting of lists of issues, on the understanding that individual committees will schedule the examination of States parties reports at least a year in advance and provide clear deadlines for the submission of written information.**

58. **Treaty bodies could invite NHRIs to contribute more systematically in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in the preparation of State party reports, including through consultation or comments on the State party report.**

59. **NHRIs could be encouraged to make oral presentations more systematically in the pre-sessional working groups of treaty bodies and/or during a session, in addition to providing written information, prior to the formal examination of a State party report.**

2. Follow-up

60. **Treaty bodies could invite NHRIs:**

(a) **To encourage dissemination of information by the State party to all relevant actors on concluding observations and recommendations of treaty bodies and to support public awareness thereon;**

(b) **To support and host follow-up meetings to concluding observations and recommendations of treaty bodies with the participation of Parliament, ministries and public authorities, NGOs and other relevant actors of civil society;**

(c) **To provide guidance to States parties on possible courses of action for an effective implementation of the concluding observations and recommendations of treaty bodies;**

(d) To engage with members of Parliament and ministries and other public authorities regarding the implementation of concluding observations and recommendations.

(e) To provide information, on a systematic basis, in relation to the respective follow-up procedures. To this end, NHRI participation in the existing treaty body follow-up procedures or activities as well as country inquiries should be encouraged, systematized and harmonized.

3. Training

61. NHRIs could support the capacity-building of State officials regarding reporting procedures, collection of data for reports and other relevant issues relating to the reporting process.

62. The Inter-Committee Meeting could urge treaty bodies to implement the recommendation of the Marrakesh statement in which all treaty bodies are called on “to take due account of the independent status of ‘A’ accredited NHRIs and the particular role that they have in national human rights protection, and [the] contribution they can make to the treaty monitoring process”. It could also emphasize to treaty bodies the Marrakesh statement recommendation that the reporting process and individual communication procedures be aligned, as much as possible, through common rules of procedure and working methods among treaty bodies in order to establish similar procedures for cooperation with NHRIs and other key national actors, including with respect to the format and timing of submission of written information, and the oral presentations.

D. Recommendations to enhance interaction with civil society actors

63. Many of the recommendations above could also apply to civil society actors in respect of the reporting process and follow-up to treaty body recommendations. The various consultations which have taken place in the context of the treaty body strengthening process have highlighted a number of additional recommendations as follows.

1. More focused reports and oral intervention

64. As suggested by various stakeholders, the Inter-Committee Meeting could consider inviting NGOs to present coordinated and more focused submissions to the treaty bodies (joint country-specific reports where possible), and organize their interventions in a more coordinated manner (joint interventions on country situations for instance) when addressing treaty bodies in meetings covering several States parties’ reports. Although this is currently done by a number of NGOs, including through the coalitions, the Inter-Committee Meeting could encourage training of civil society actors on how to brief treaty bodies in order to maximize the time made available to them during the sessions and pre-session working groups.

2. Lists of issues prior to reporting

65. In Committees which have adopted lists of issues prior to reporting, the Inter-Committee Meeting could consider inviting NGOs to contribute to this process by submitting information to the concerned committees sufficiently in advance so that this information may be taken into account during the preparation of these lists, on the understanding that individual committees will schedule the examination of States parties reports at least a year in advance and provide clear deadlines for the submission of written information, as suggested in paragraph 57 above.

3. New technologies

66. The response by non-governmental organizations to the Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System has brought attention to the insufficient participation of grass-roots NGOs due to lack of funding. **In the light of the above, the Inter-Committee Meeting could consider recommending the webcasting of treaty body sessions, which would enable stakeholders, particularly at the national level, to follow the process, and as an interim measure audio recordings could be made available. As suggested by the NGOs, the Inter-Committee Meeting could further recommend that the treaty bodies continue to be open to engaging with NGOs via new technologies, such as Skype, or through videoconferencing while ensuring that the use of new technologies, such as webcasting, or video links, does not create new barriers to accessibility for persons with disabilities.**

4. Information note for civil society actors

67. **The Inter-Committee Meeting could recommend that all treaty bodies prepare an information note to be posted on their respective web pages which would contain information on the modalities of interactions with various stakeholders, including deadlines for the submission of information to the sessions and pre-session working groups.**

Annexes

Annex I

Outline for country briefing notes^a

State party
Periodicity of State party's report

- I. General information: Population, economy, political structure, the ratification of international human rights instruments, preparation of the report
- II. Positive developments (by article or cluster of articles)
- III. Specific concerns (by article or cluster of articles)

^a Based on country briefing notes prepared by the country rapporteurs in the Committee on the Elimination of the Discrimination of Women.

Annex II

Example of a list of speakers for a constructive dialogue

Dialogue with the delegation
State party
Rapporteur: XXXX

<i>Article/Clusters of articles/subject</i>	<i>Member</i>	<i>Comments</i>
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