



# General Assembly

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## Seventy-seventh session

Items 69 (a) and 124 of the provisional agenda\*

### Promotion and protection of human rights: implementation of human rights instruments

#### United Nations reform: measures and proposals

## Status of the human rights treaty body system\*\*

### Report of the Secretary-General

#### *Summary*

In its resolution [68/268](#), the General Assembly requested the Secretary-General to submit to the Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system. The present report is the fourth report submitted pursuant to that request and to Assembly resolution [75/174](#).

The report, together with the supplementary information provided in the statistical annexes, which are available on the OHCHR website (<https://www.ohchr.org/en/documents/reports/fourth-biennial-report-status-human-rights-treaty-body-system>), provides information on the progress achieved in implementing resolution [68/268](#), the impact of the coronavirus disease (COVID-19) on the work of the treaty bodies and identifies remaining challenges and emerging ideas and proposals, including the conclusions of the thirty-fourth meeting of the Chairs of the treaty bodies. The report includes information on the Chairs' proposal for a new predictable calendar of reviews, which would strategically enhance the efficiency of the treaty body system. The report further provides information on the number of reports submitted and reviewed by the Committees of independent experts; the visits undertaken; the individual communications and urgent actions received and reviewed, where applicable; the state of the backlog of individual communications and reporting, and capacity-building efforts and the results achieved. It also serves to address the situation of the treaty bodies in terms of treaty ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in their dialogue with the treaty bodies.

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\* [A/77/150](#).

\*\* The present report was submitted for processing after the deadline for technical reasons beyond the control of the submitting office.



## I. Introduction

1. The present report is the fourth submitted pursuant to General Assembly resolution [68/268](#), in which the Assembly requested the Secretary-General to submit to it, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work. It provides an assessment of progress achieved and remaining challenges in implementing the resolution and includes emerging ideas and proposals. It also serves to build on the information provided in the three previous reports of the Secretary-General on the status of the treaty body system ([A/71/118](#), [A/73/309](#), [A/74/643](#)). The report uses data and statistics as of 31 December 2021, except when more recent data is available.

2. Since the third report ([A/74/643](#)), several developments have taken place. The Committee on the Rights of the Child held an extraordinary eighty-fourth session in Samoa from 2 to 6 March 2020. It was the first session of any human rights treaty body held at the regional level outside Geneva or New York. The session was made possible through the financial and logistical support provided by the Regional Rights Resource Team of the Pacific Community (see [A/75/41](#), para. 5).

3. The work of the treaty bodies was severely affected by the coronavirus disease (COVID-19) pandemic and several sessions were suspended or postponed as of 13 March 2020. Treaty bodies discharged their mandates to the extent possible remotely, despite severe challenges. With some notable exceptions, State party reviews and country visits were postponed.

4. In-person sessions resumed gradually from 6 September 2021, with some Committee members, delegations and stakeholders connecting remotely due to travel restrictions.

5. COVID-19-related restrictions significantly affected efforts to address the backlog of State party reports pending review. In addition, the backlog of individual communications and urgent actions increased to an unprecedented level

6. In its resolution [75/174](#) on the human rights treaty body system, the General Assembly welcomed the process of the consideration of the state of the human rights treaty body system and took note of the report of the co-facilitators, the Permanent Representatives of Morocco and Switzerland to the United Nations, to the President of the General Assembly (see [A/75/601](#)). It also took note of the third report of the Secretary-General on the status of the human rights treaty body system.

7. In paragraph 54 of its resolution [75/252](#), the General Assembly requested the Secretary-General to entrust the Office of Internal Oversight Services (OIOS) of the Secretariat with the conduct of a review and evaluation of the activity, performance and results of staff support provided to the human rights treaty body system of the Office of the United Nations High Commissioner for Human Rights (OHCHR), to ensure the effectiveness of the treaty body system. The review was carried out from February to June 2021. The 10 recommendations of the OIOS auditors were accepted by OHCHR (see [A/76/197](#)) and their implementation is in progress or has been completed.

8. The Chairs of the treaty bodies held their first in-person meeting since 2019 in New York from 30 May to 3 June 2022. They addressed some of the key recommendations contained in the co-facilitators' report on the process of the consideration of the state of the United Nations human rights treaty body system ([A/75/601](#)), including by agreeing to establish a predictable eight-year calendar of reviews that covers all treaty body reporting procedures and all States parties (see [A/77/228](#)).

## Observations from States parties and other stakeholders

9. In preparing the present report, OHCHR solicited the views of States parties and other stakeholders. All written contributions received are available on the relevant OHCHR web page.<sup>1</sup>

## II. State of implementation of General Assembly resolution 68/268

10. In its resolution 68/268, the General Assembly sought to strengthen the human rights treaty body system through a comprehensive review of the system and its requirements, in which significant savings from a more efficient use of conference services (including the limitation of languages for interpretation and translation of working documents) were reinvested in the allocation of more meeting time and staff to support their work, as well as in a capacity-building programme to support States parties in building capacity to implement their treaty obligations.

11. In the resolution, the General Assembly provided for a biennial review of the treaty body system workload and a reassessment of the allocated meeting time according to the criteria set forth in the resolution and the formula for financial and human resources detailed in paragraphs 26 and 28 of the resolution. In paragraph 40 of the resolution, the Assembly also requested that the Secretary-General submit to the General Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work.

12. In paragraph 5 of its resolution 75/174, the General Assembly reaffirmed paragraphs 26 to 28 of its resolution 68/268, in which it set out how the allocation of meeting time to the treaty bodies would be identified and requested the Secretary-General to provide the corresponding financial and human resources, decided that the meeting time allocated would be reviewed biennially and amended on that basis at the request of the Secretary-General in line with established budgetary procedures, and requested the Secretary-General accordingly to take into account the meeting time needed by the human rights treaty body system in his future biennial programme budget.

### A. Ratifications

13. The total number of ratifications of the human rights treaties and protocols, as well as relevant declarations enabling communications and inquiries procedures, was 2,477 as at 31 December 2021, compared with 2,451 as at 31 October 2019, representing a 1 per cent increase. Since the adoption of resolution 68/268, there has been a 13.1 per cent increase in ratifications (2,190 ratifications as at 31 December 2013 and 2,477 ratifications as at 31 December 2021) (annex I).

### B. Reporting compliance

14. As at 31 December 2021, 28 of the 197 States parties (14 per cent) had no overdue reports under the relevant international human rights treaties and protocols

<sup>1</sup> See <https://www.ohchr.org/en/calls-for-input/2022/call-input-fourth-biennial-report-secretary-general>.

(annex II) compared with 38 of the 197 States parties (19 per cent) as of 31 October 2019.

15. As at 31 December 2021, 169 States parties (86 per cent) had a total of 591 reports overdue (226 initial and 365 periodic), 163 (27 per cent) of which have been overdue for more than 10 years. In the previous reporting period, 159 States parties (81 per cent) had some 569 reports overdue (250 initial and 319 periodic) as at 31 October 2019.

16. From 1 January to 31 December 2021, 116 reports had been received by the Committees with reporting procedures. The average number of reports received in the period 2018–2021 was 135 per year, compared with the average of 135.2 reports received in the period 2016–2019, representing a small decrease of 1 per cent (annex III).

17. During 2020 and 2021, the situation was atypical, owing to the major impact of the pandemic and the postponement of in-person consideration of State party reports. The Committees were able to meet in person only from 20 January to 13 March 2020 and from 6 September to 3 December 2021. The Committees reviewed a total of 28 States parties in 2020, and a total of 59 States parties in 2021. In 2020, they also adopted 97 lists of issues, and lists of issues prior to reporting and, in 2021, adopted 132 lists of issues, and lists of issues prior to reporting (annex IV).

18. The number of reports pending review, commonly referred to as the backlog, reflects the number of reports that have been received and are awaiting consideration by the relevant Committee. The backlog as at 31 December 2021 was 441 reports representing an increase of 141 per cent, compared with the backlog of 183 reports as at 31 October 2019. The Committee on the Rights of Persons with Disabilities has the largest number of State party reports pending reviews, namely 76 as at 31 December 2021. Given that the Committees reviewed on average 136.5 reports per year in 2018 and 2019,<sup>2</sup> it would take the Committees approximately 3.2 years to clear the backlog with their current working methods. This does not take into account the new reports that would be received in the meantime (annex V).

### C. Individual communications

19. From 1 January to December 2021, 399 new individual communications had been registered by the Committees with individual communications procedures, which is the second-highest number since the adoption of resolution 68/268, the highest having been registered in 2019 (640). For the present report, the reference period used was 2020–2021, and the average number of individual communications registered was 358 by all Committees, representing a decrease of 33.7 per cent compared with the average of 540.1 registered in the period 2018–2019. This is because 203 individual communications received and registered separately in 2019 were joined into one individual communication in 2020. These figures only take into account the number of communications that are registered by the Committees and that meet the prima facie admissibility requirements (annex VI).

20. The Committees adopted on average 276.5 final decisions in the period 2020–2021, compared with an average of 238.5 in the period 2018–2019, which represents an increase of 15.9 per cent (annex VII). As indicated in the third report of the Secretary-General on the status of the human rights treaty body system, issued in 2021, the Committees were not able to utilize the totality of the assessed meeting time dedicated to individual communications of 24.9 weeks since this meeting time was not matched by the corresponding staff resources needed to prepare the draft decisions

<sup>2</sup> Numbers based on 2018 and 2019, since 2020 and 2021 were severely affected by COVID-19.

for the consideration of Committees, given that the General Assembly had decided not to approve in full those resources.

21. The backlog of communications that have been received and are pending review before the Committees was 1,800 as at 31 December 2021, representing an increase of 13.4 per cent compared with 1,587 as at 31 October 2019. On 31 December 2021, out of the 1,800 individual communications pending, 420 were ready for an admissibility and/or merits decision to be prepared and examined by the respective Committees. By way of comparison, the backlog of communications pending review was 769 on 31 December 2015, representing an increase of 134 per cent since the adoption of resolution 68/268 (annex VIII). On average, the Committees adopted 276.5 decisions per year in the period 2020–2021, meaning that at current capacity, the Committees would need approximately 6.5 years to clear the backlog, without considering any new individual communications received.

#### **D. Specific activities of the Subcommittee on Prevention of Torture**

22. The visiting mandate of the Subcommittee on Prevention of Torture to places of deprivation of liberty was severely affected in 2020 and 2021 by travel and other restrictions imposed by States parties, starting with the suspension of the visit to Argentina in March 2020. The Subcommittee had planned to carry out seven visits per year in 2020 and 2021. All had to be postponed due to COVID-19, save for its visit to Bulgaria in October 2021 (annex IX). In 2020 and 2021, the Subcommittee met once in person and twice online each year for a one-week session. It discharged its mandate remotely, to the extent possible, including through online regional consultations with national preventive mechanisms and national stakeholders. It also provided remote advice and guidance to States parties and national preventive mechanisms, including on best practices.

#### **E. Specific activities of the Committee on Enforced Disappearances**

23. The Committee on Enforced Disappearances piloted the first remote review of additional information of a State party, Iraq, in 2020.

24. From 1 January to 31 December 2021, the Committee had registered a total of 459 new urgent actions requesting assistance in the location of individuals who had disappeared, compared with 192 from 1 January to 31 December 2020, which represents an increase of 139 per cent. From 1 January to 31 December 2021, the Committee had adopted 206 decisions compared with 76 decisions from 1 January to 31 December 2020. The Committee has a backlog of 1,254 urgent actions under consideration. By way of comparison, it had 906 urgent actions under consideration and pending review as at 31 October 2020, which represents an increase of 38.4 per cent (annex X). Prior to the adoption of resolution 68/268, the Committee had registered seven urgent actions from 1 January to 31 December 2013.

#### **F. Specific activities of the Committee on the Elimination of Racial Discrimination**

25. In the period 2020–2021, three inter-State communications had been submitted to the Committee on the Elimination of Racial Discrimination, and three ad hoc conciliation commissions were set up. Under its early warning and urgent action procedure, the Committee considered 33 situations and sent 23 letters to the States parties concerned.

## **G. Inquiries and in situ visits**

26. Six of the Committees have a mandate to conduct inquiries when they receive reliable information indicating grave or systematic violations by a State party of rights set forth in the respective treaty, if the State party has recognized the competence of the Committee under the specific provision. The mandate of the Committee on Enforced Disappearances to undertake visits, if it receives reliable information indicating that a State party is seriously violating the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance, applies to all States parties that have ratified the Convention.

27. In 2020 and 2021, three out of the five Committees with a mandate to carry out inquiries or visits had examined 11 requests and carried out one visit. The Committee on Enforced Disappearances carried out a visit to Mexico and adopted the corresponding report (annex XI).

## **H. Capacity-building programme**

28. In 2020 and 2021, the capacity-building programme had included training and support to State officials in more than 50 countries and the organization of more than 200 activities in which more than 5,000 persons participated. The activities contributed to expanding the knowledge and skills of the participants regarding specific treaties and human rights issues, and to encouraging State officials to submit outstanding reports and ratifications. Owing to the prevailing circumstances, most of the activities were carried out remotely. Under the programme specific methodologies and tools for online learning activities were developed (annex XII).

29. Digitalization is one of the aspects being pursued in a new strategy finalized under the programme in response to a recommendation by OIOS. The Universal Human Rights Index, which is a searchable database of recommendations by United Nations human rights mechanisms, is also being updated, and the National Recommendations Tracking Database, a digital tool available to States to help them to track the implementation of the outcomes of mechanisms and thus prepare reports, is being redesigned.

30. In 2020 and 2021, 24 new ratifications by States were recorded and four reservations were withdrawn. States submitted 150 outstanding reports, including responses to requests for information by the Committees or common core documents to treaty bodies. The programme served to supported States in the preparation of seven dialogues with Committees, reflecting the reduced number of reviews during the COVID-19 pandemic. The programme provided technical assistance to 29 States to establish new or strengthened national mechanisms for reporting and follow-up. In 2021, the programme convened five regional consultations to facilitate the exchange of experiences among such national mechanisms, as mandated by the Human Rights Council in its resolution [42/30](#).

## **I. Impact of the COVID-19 pandemic on the implementation of resolution [68/268](#)**

31. As of March 2020, the treaty bodies focused on discharging their mandates remotely, to the extent possible, to ensure that the impossibility of organizing in-person sessions would not lead to a protection gap. As a result, they focused on adapting their working methods to the online format, with many logistical, administrative, financial and material challenges. These were identified, discussed and followed up on by the informal working group on COVID-19 ([A/76/254](#),

annex II) established by the Chairs at their thirty-second annual meeting, which was held online (A/75/346, para. 47, and A/76/254, para. 82). Some of the challenges included coordination across different time zones spanning 16 hours, which made it very difficult to find a common time to meet as a collegiate body; accessibility for persons with disabilities to online platforms; connectivity issues of online platforms; limited simultaneous interpretation for online meetings; and, in the absence of a daily subsistence allowance, lack of compensation for additional expenses resulting from working remotely. The conduct of online State party reviews also posed various challenges and limitations, including the limited availability of online meeting support with remote simultaneous interpretation. Only one room was available for treaty bodies to conduct online or hybrid sessions, with interpretation provided for two-hour meetings, with a 90-minute break between meetings. This meant that given time-zone constraints, there were no more than two slots of two hours of interpretation per day. These needed to be shared when two Committees were in session concurrently, which was in the majority of cases. By way of comparison, in-person meetings receive simultaneous interpretation for two meetings of three hours of interpretation per day. In addition, there were significant connectivity challenges for experts, States under review and stakeholders.

32. The treaty bodies continued to adopt lists of issues, and lists of issues prior to reporting, to prepare the State party dialogues remotely, when possible, and continued their thematic work on how States should address their human rights obligations, with a focus on the response to the pandemic. Treaty bodies also issued advice to States and national preventive mechanisms.<sup>3</sup> They continued their consideration of general recommendations and comments, consulting with States and stakeholders through online or remote means. All treaty bodies held online sessions or worked remotely, including hearing testimonies of victims or their families, to ensure the continued protection of rights-holders, and continued to work on individual communications and granting interim measures of protection online.

33. The Committee on Enforced Disappearances considered a State party report online on 5 October 2020. In 2021, all Committees with the mandate to do so reviewed 18 State party reports online. In addition, 41 State party reports were reviewed in person after in-person sessions resumed on 6 September 2021.

34. Consequently, there is an increased backlog created by the postponement of reviews by States parties reviews during the pandemic.

35. For individual communications, treaty bodies continued discharging their mandates, including significant parts of the work that are conducted in the intersessional period. They also worked flexibly, with the support of the Secretariat, to adapt the workflow and working methods. The pre-session working group worked on draft decisions through a pre-session written stage followed by oral online discussions. The plenary consideration was split into a written comments phase followed by an oral plenary discussion. Despite certain challenges, this allowed the treaty bodies to continue reviewing individual communications in the absence of in-person meetings.

36. The treaty bodies reaffirmed that online State party reviews were not a substitute for in-person reviews, although other areas of their work could be facilitated through online interaction, such as increased engagement with national stakeholders, peer-to-peer learning, exchanges with a diverse range of actors on thematic issues and outreach activities through webinars.

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<sup>3</sup> See <https://www.ohchr.org/en/treaty-bodies/covid-19-and-human-rights-treaty-bodies>.

## **J. Webcasting and use of information technology**

37. Webcasting of treaty body sessions was ensured during the COVID-19 pandemic for the online and in-person public treaty body meetings throughout 2020 and 2021. While the General Assembly had decided to provide live webcasts and video archives of relevant meetings of the treaty bodies as of 2020, in all the official languages used in the Committees (resolution [73/162](#), para. 6), the implementation of this decision had to take a phased approach in the period 2020–2021. Initially, the treaty body webcast was available in only two languages: English and an additional interpretation language of choice. Ongoing renovation work at the Palais des Nations in the context of the strategic heritage plan of the United Nations Office at Geneva required installation of technical equipment in temporary conference rooms and upgrading their capacity to output multiple audio channels to the webcasting platform, which further limited the availability of webcasting.

38. In June 2021, with the upgrade to the new United Nations Web TV platform and the increased technical capacity for multi-language webcasting at the United Nations Office at Geneva, webcasts of treaty body meetings have been delivered in English, French, the original language and, as requested by the Committees, in additional languages (Arabic, Chinese, Russian and Spanish) when available through the interpretation channels.

39. It is expected that the global United Nations Web TV online platform ([webtv.un.org](http://webtv.un.org)) will become available in all six official languages by the end of 2022, when the webcast teams for the languages will be fully operational (annex XIII).

## **K. Accessibility and reasonable accommodation**

40. The treaty bodies needed to adapt quickly to be able to continue discharging their mandates in the context of the COVID-19 pandemic by using different technologies. However, despite the implementation of the United Nations Disability Inclusion Strategy, online platforms with simultaneous interpretation approved for use at the time were not fully accessible for persons with disabilities. The situation was redressed in May 2021 through the procurement and approval of an additional online platform with additional accessibility features (annex XIII).

## **III. Meeting time in 2020 and 2021**

### **A. Background**

41. Since the adoption of Assembly resolution [68/268](#), the meeting time for the nine treaty bodies which review State party reports has been assessed as follows: (a) the average number of State party reports submitted and individual communications registered; (b) an assumed rate of review by treaty bodies of 2.5 State party reports per meeting week (and 5 State party reports per meeting week under the Optional Protocol to the Convention on the Rights of the Child) and 1.3 hours of meeting time to examine one individual communication; (c) an additional 15 per cent margin to prevent the recurrence of backlogs in State party reports and individual communications from 2015 to 2017, reduced to 5 per cent from 2018; (d) two additional weeks per treaty body for other mandated activities; and (e) the non-reduction of the number of weeks allocated to a treaty body on a permanent basis prior to the adoption of resolution [68/268](#).



42. The meeting time assessment based on the formula set forth in resolution [68/268](#) has an impact on (a) conference-servicing requirements; (b) resources for the members of treaty bodies to travel to Geneva and/or to hold additional sessions which require additional travel; (c) subsistence costs for each member of a treaty body based on the membership; (d) Secretariat staff support to the work of treaty bodies; (e) Press Officer coverage for sessions; and (f) webcast coverage for sessions ([A/68/779](#), section IV).

## **B. Challenges to the implementation of mandates in 2020 and 2021**

43. At the end of 2020, the General Assembly granted additional meeting time to treaty bodies for 2021 in its budget resolution. The decision was based on the assessed meeting time for a total of 101.6 weeks, in accordance with the third report of the Secretary-General on the status of the human rights treaty body system, compared with 91 weeks in 2020 ([A/73/309](#)). However, the Assembly did not approve a corresponding increase in requested staff resources, mainly on account of the increase in individual communications registered. In particular, instead of the nine posts (7 P-3 and 2 General Service (Other level)) that had been requested in the 2021 budget, four General Temporary Assistant positions (3 P-3 and 1 General Service (Other level)) were approved. This was in addition to the five General Temporary Assistant positions (P-3) that had been approved (of the 11 posts – 10 P-3 and 1 General Service (Other level) – that had been requested in the budget for the period 2018–2019) and maintained in the 2020 and 2021 budgets. In addition, the Office is currently funding mandated activities with extrabudgetary resources through five posts at the P-3 level and one General Service (Other level) post, to the detriment of other work.

44. The shortage in staff was further exacerbated in 2020 and 2021, owing to the Secretariat-wide regular budget recruitment freeze and liquidity crisis, which included General Temporary Assistant positions. As a result, it was not possible to support the additional meeting time from within existing resources in 2020. In 2021, while additional staff resources were approved, the funds only became available in July 2021 and only provided limited additional staff capacity to support the work on individual communications and urgent actions.

45. As reflected in previous reports, the resource formula set out in resolution [68/268](#) does not sufficiently cover a significant number of mandated activities. For example, for individual communications, work done in relation to the legal assessment of new communications for registration (pre-registration stage) and interim measures and procedural requests while a communication is pending are not covered. In addition, inquiries and country visits, urgent actions of the Committee on Enforced Disappearances, inter-State communications of the Committee on the Elimination of Racial Discrimination and early warning and urgent action procedures, the follow-up procedures of the Committees on the implementation of their recommendations and decisions, and general comments are equally not specifically funded under the formula.

46. Against this background, planning the meeting of the treaty body system in 2020 and 2021 was based on the assessed meeting time in the second report of the Secretary-General ([A/73/309](#), annex XVII), which provided a more realistic picture of the work based on actual staff resources (57 weeks for review of States parties, 16 weeks for review of individual communications and 18 weeks for other mandated activities for a total of 91 weeks). This was further adjusted for individual communications from 16 weeks to 10.5 weeks to take into account staff capacity to produce the necessary documentation and extraordinary steps taken to use existing resources to cover the staffing gap identified by the Secretary-General in his third report ([A/74/643](#), para. 49). The adjustment was also needed to absorb as much as

possible areas that had not been sufficiently accounted for in resolution 68/268, as stated above. Owing to the COVID-19 pandemic, the treaty bodies were unable to use the meeting time as planned. Instead of a total of 91 weeks of assessed meeting time annually in 2020 and 2021, on the basis of these criteria, Committees used some 53 weeks (in person and online) in 2020 and 70.9 weeks in 2021 (in person and online) (annex XX).

47. In 2020 and 2021, OHCHR had to limit its support for the work on inquiries and general comments to one inquiry per Committee per year (annex XI) and one general comment per Committee per year (annex XVIII) based on actual levels of staff support.

#### **IV. Meeting time needs for 2024**

48. The assessed meeting time is based on the number of reports and individual communications that have been received in the last four years for reports and the last two years for individual communications. The average is used to make a projection of assessed meeting time needs based on the workload formula set out in resolution 68/268. The assessed meeting time determines the additional Secretariat staff support to the work of the treaty bodies to be included in future budgets of the Secretary-General for the treaty bodies.

49. The formula, as implemented and documented in the three previous reports of the Secretary-General, has, on the one hand, been a success in increasing the overall meeting time of treaty bodies with a corresponding adjustment of staffing approved in the statement of programme budget implications (A/68/779) that was submitted prior to the adoption of resolution 68/268.<sup>4</sup> On the other hand, the subsequent assessments of meeting time according to the formula in the second and third reports were not accompanied by the corresponding staff resources. This has created a situation whereby mandated activities cannot be fully supported to the quality or intensity required.

##### **A. Challenges with the formula calculation for States party reviews**

50. While constituting an important mechanism for objectively assessing the resource needs of the treaty body system, the formula provided for in resolution 68/268 would need adjusting to cover the full vision of resolution 68/268. In the resolution, the General Assembly encouraged the eight treaty bodies that review periodic reports to offer to States parties a simplified reporting procedure and States parties to consider using it (paras. 1 and 2). It also invited treaty bodies and OHCHR, within their respective mandates, to continue to work to increase coordination and predictability in the reporting process, with the aim of achieving a clear and regularized schedule for reporting by States parties (para. 34). The criteria contained in the formula take into account the number of reports received in the past to assess future needs of the treaty body system in terms of meeting time and other resources, including staff support, which is not compatible with a predictable and regularized schedule that is appropriately resourced.

51. The experience of implementing the resolution since 2015 demonstrates that treaty bodies have been able, until recently, to keep reducing the backlog of State party reports pending review only because of the serious under- and non-reporting by

<sup>4</sup> See A/71/118, para. 16, which reads: “The meeting time adjustments resulting from resolution 68/268 took effect on 1 January 2015 and brought the total meeting time entitlement of the treaty body system to 96.6 weeks per year until the end of 2017”.

States, as the assessed meeting time, staff and other resources have been allocated based only on the reports received in the past without a significant increase. State party reporting between 2012 and 2021 has remained stable at an average ranging from 132.2 to 135.5 (annex III), and so has the output of treaty bodies of States parties reviewed at an average of 140 between 2015 and 2019 (annex IV).<sup>5</sup> The backlog of State party reports pending review, which had gradually decreased from 304 as at 31 December 2013 to 183 as at 31 December 2019, has now more than doubled to 441 as at 31 December 2021 owing to the postponement of reviews as a result of the COVID-19 pandemic (annex V). The backlog of State party reports pending review cannot be absorbed with current working methods and resources.

## **B. Challenges for individual communications, urgent actions and inter-State communications**

52. Treaty-based individual communication procedures have multiplied with new ratifications and the entry into force of new instruments. Eight treaty bodies are currently able to receive individual communications, urgent actions and/or inter-State communications, and their number has grown exponentially.

53. With the current level of staff support, OHCHR is able to provide limited core support to treaty-based individual communication mechanisms. The increase in, and necessary prioritization of, new requests for urgent actions and interim measures related to individual communications has decreased the time available for OHCHR to support other areas of work of the treaty-based individual communication system. Activities to support the Committees on individual communications, urgent actions and inter-State communications require year-round support since they are not restricted to any particular time, such as treaty body sessions. For example, staff members, from day to day, have to remain on alert to process new individual communications with interim measure requests that pertain to preventing irreparable harm to victims, such as protection of life and prohibition of torture deriving from non-refoulement obligations. They therefore need to be on call and respond within a very short time when informed of imminent executions, evictions, deportations or extraditions with the risk of persecution, torture, imprisonment and the like. Similarly, case management is continuous and requires carrying out legal analysis on complex issues about admissibility requirements and requests for lifting interim measures. The drafting of decisions for the review and consideration of Committees is carried out all year long and also entails addressing complex factual and legal elements, in areas with very limited or no jurisprudential precedents.

54. Moreover, while the formula provides resources for the examination of registered individual communications by the Committees (see resolution 68/268, para. 26 (b)), it does not cover the entire lifecycle of individual communications, such as the resource-intensive pre-registration phase. As of 30 June 2022, there was a backlog of some 260 pre-screened individual cases pending registration; some 52 communications approved for registration by the Committees pending to be processed and notified to the parties; and some 579 individual communications pending drafting so that the case could be examined by the relevant Committee, both due to lack of sufficient staff resources (annex VIII).

55. In addition, the formula does not account for additional managerial and coordination responsibilities that have to be delegated, to the extent possible, by experienced staff to lower levels.

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<sup>5</sup> The years 2020 and 2021 are not included as State party reviews were interrupted owing to the pandemic.

56. Gains from workflow management and optimization have also been offset by continuous increases in workload that can only be tackled through structural changes, such as digitalization and investment in a case management system. The digitalization and case management system will allow for uploading communications, exchange of documents between the parties and tracking the process, including the status of the case.

57. The backlog of communications pending review cannot be absorbed with current working methods or resources. At the current rate of review, it would take over 6.5 years to clear the backlog assuming no new registered cases were considered. Such a significant delay would have a direct impact on victims of human rights violations who use these mechanisms and might also render them ineffective.

### **C. Challenges for inquiries, visits and other mandated activities**

58. As stated above, while inquiries are being examined by the relevant Committees, OHCHR is only able to support one inquiry per Committee per year due to the insufficient number of staff supporting the work of Committees on inquiries. Currently, inquiries and visits are funded on a very limited basis, from one to two visits per Committee annually. This does not allow the Committees to consider all the requests for an inquiry or visit that they receive.

59. The challenges identified in previous reports in terms of an increase in the number of mandated activities not accompanied by the commensurate financial and human resources to enable the system to function optimally since 2015 remain valid ([A/74/643](#), para. 56).

60. In order to better evaluate the needs of the Committees and the human resource requirements of OHCHR, a workload analysis was undertaken in 2019 by external consultants and human resource implications were then formulated. Their conclusions point to the need for an additional 17 full-time staff members to accomplish the various tasks and mandated activities of the Committees as reported in the status reports of the Secretary-General, including the review of State party reports, individual communications, inquiries and visits, general comments, urgent actions of the Committee on Enforced Disappearances, early warning and urgent action procedures of the Committee on the Elimination of Racial Discrimination, inter-State communications for this latter Committee and preventive visits of the Subcommittee on Prevention of Torture. The current workload is being updated in 2022 as recommended by OIOS, bearing in mind that 2020 and 2021 were not typical years in terms of workload. Hence, the empirical evidence would not constitute a representative sample (annex XXV).

### **D. Assessed meeting time for 2024 according to resolution [68/268](#)**

61. For 2024, the assessed meeting time according to resolution [68/268](#) yields 59.2 weeks for the review of State party reports; 18.7 weeks for the review of individual communications; and 18 weeks for other mandated activities, for a total meeting time of 95.9 weeks (annex XXIII). This represents an estimated 14 posts at the P-3 level and one General Service (Other level) post, 1.3 months of one General Temporary Assistant position at the P-3 level and 9.8 months of one General Temporary Assistant position (General Service (Other level)) (annex XXIV).

## V. Conclusions of the thirty-fourth meeting of the Chairs

62. Many of the challenges and opportunities facing the treaty body system have already been extensively analysed in the previous reports of the Secretary-General on the status of the treaty body system and discussed amongst treaty body Chairs in their annual meeting.<sup>6</sup>

### A. Predictable schedule of reviews

63. The Chairs, at their thirty-second, thirty-third and thirty-fourth annual meetings, considered the follow-up to the treaty body review process pursuant to resolution [68/268](#), and further discussed the recommendations contained in the report of the co-facilitators on the consideration of the state of the United Nations human rights treaty body system [A/75/601](#), annex, paras. 35, 36, 56, 62). In particular, the Chairs discussed how to operationalize the predictable schedule of reviews, alignment of working methods and digitalization scope and needs.

64. The Chairs agreed to establish a predictable schedule of States parties to be reviewed on an eight-year cycle with in-between follow-up reviews for those Committees that receive periodic reports (i.e. all except the Committee on Enforced Disappearances and the Subcommittee on Prevention of Torture). The former Committee would implement the predictable schedule by requesting additional information every two, four or eight years, depending on the level of implementation of its recommendations and fulfilment of States' obligations and the evolution of the situation related to enforced disappearances in the States parties. The latter Subcommittee would implement the predictable schedule by carrying out its visiting mandate every eight years and discharging its advisory mandate to States parties and national preventive mechanisms by holding a cyclic dialogue with the States parties visited four years after each visit. The schedule would also take into consideration the calendar of the Universal Periodic Review.

65. The aim is to include in the schedule the reviews of all States parties as they undertake to submit reports to the Committees on the measures adopted to give effect to the provisions of the relevant treaty. This would therefore ensure equal treatment among all States parties and effectively help to realize the universality, indivisibility, interdependence and interrelatedness of all human rights.<sup>7</sup> At the same time, rights-holders would benefit from the recommendations and observations of treaty bodies, ensuring that the promotion and protection system put in place by the treaties is functioning. A predictable schedule would also ensure that the outcomes of treaty bodies would be more readily available and accessible in a timely manner on a regular basis. States parties and treaty bodies could engage on the implementation of key recommendations through the in-between follow-up review. The advantage of such a schedule is that reviews will be predictable for both States parties and stakeholders. This would also facilitate coordination and harmonization of working methods across treaty bodies. The schedule will be implemented with a degree of flexibility to address special requests for postponement of a State party review due to exceptional circumstances. The predictable schedule allows for prioritization of the existing backlog of reports pending review and of long overdue reports.

66. To account for the longer review periodicity, which does not imply amending any reporting periodicity specified in a treaty, the Chairs decided to include a follow-up review in between the eight-year full reviews. The follow-up review would

<sup>6</sup> [A/73/309](#), paras. 10, 37, 43, 55, 79, 84, 89 and 90; and [A/74/643](#), paras. 43, 55, 60. See also resolution [68/268](#), para. 41.

<sup>7</sup> Article 5 of the Vienna Declaration and Programme of Action.

consider up to four specific priority issues that were identified in the full review or that have since emerged. The follow-up review would enable greater focus on a smaller number of critical issues. This combination of full reviews and intermediary reviews, which are lighter and only focus on the implementation of existing recommendations in a few priority areas, would achieve a balance among States' workload, overall cost-effectiveness of the treaty body system and, ultimately, the interests of rights-holders.

67. The Chairs agreed that the implementation of the predictable schedule of reviews required coordination and would be facilitated through further harmonization of working methods across treaty bodies (A/77/228, para. 56 (e)) This would include offering the simplified reporting procedure as the default procedure for the full review, streamlining follow-up reviews, harmonizing deadlines for stakeholder' submission and reducing duplication in both the list of issues prior to reporting and in concluding observations. The Chairs further agreed that coordination and harmonization of the working methods would be enhanced through focal points appointed by each Committee to facilitate interaction between Committees and make recommendations to the Chairs (ibid.). The Chairs also agreed that the possibility to engage remotely during the dialogue with the Committees could be offered to those small island developing States and least developed States who request it, and therefore, the digital uplift is critical and would require a videoconferencing/webcasting platform that is accessible and sustainable across the digital divide.

68. The Chairs requested the Office to formulate an action plan for the implementation of their conclusions, which is being prepared. On account of new ratifications, the schedule would need to be updated yearly, with corresponding changes in costing and resource requirements.

69. There would be an overall increase in the currently assessed meeting time to implement the predictable schedule of reviews. The treaty bodies with a large number of ratifications and only two sessions per year, currently the Committee on the Rights of Persons with Disabilities and the Committee on Economic, Social and Cultural Rights, would require an additional session per year, with corresponding increases in travel and the daily subsistence allowance of experts, as well as additional staff to prepare the related documentation.

70. Given the possible financial, and human resource implications, OHCHR would prepare model working methods to accompany the implementation of the predictable schedule of reviews. The rationalization and effectiveness of working methods for treaty bodies are essential to achieving substantive predictability in addition to the predictability of the schedule for State party reviews while fully respecting the specificities of certain treaties and functions. OHCHR would also have to facilitate the improvement of exchanges among treaty bodies regarding working methods to guarantee that best practices are promptly and sustainably generalized, as requested by resolution 68/268. This would not be possible with the current level of staffing and resources available to OHCHR.

## **B. Assessed meeting time for 2024 to implement the predictable schedule of reviews for State party reviews, including dialogues with the Subcommittee on Prevention of Torture and the Committee on Enforced Disappearances**

71. Preliminary calculations indicate that the assessed meeting time for 2024 according to the predictable schedule would generate some 85.5 weeks for State party reviews, including implementing the visiting and advisory mandate of the Subcommittee on Prevention of Torture and the request for additional information of

the Committee on Enforced Disappearances under their specific modalities. In addition, the meeting time for individual communications (18.7 weeks) and other mandated activities (18 weeks for the Committees that review reports and two additional weeks for the Subcommittee, which is not currently included in the “formula”) would need to be added for a total of 124.2 weeks. According to the workload calculations made at the time of the adoption of resolution 68/268, this represents an estimated 21 posts at the P-3 level, four General Service (Other level) posts, and nine months of one General Temporary Assistant position at the P-3 level. This does not include the additional supervisory capacity at Professional-4 level that is required for individual communications, urgent actions and inter-State communications (annex XXIV).

72. In comparison, the assessed meeting time for State party reviews when resolution 68/268 was adopted was 66.3 weeks. In addition, the meeting time for individual communications (8.3 weeks) and other mandated activities (18 weeks) was added for a total of 92.6 weeks as the staff required is calculated on the total meeting time.

73. Comparing the meeting time for State party reviews to implement the predictable schedule, including the Subcommittee on Prevention of Torture and the Committee on Enforced Disappearances under their specific modalities, with the 2015 meeting time, this would represent a 23 per cent increase in meeting time compared to the 69.3 weeks for State party reviews in 2015 (including three weeks for the Subcommittee).

### **C. Individual communications and urgent actions**

74. For individual communications, the assessed meeting time for 2024 was calculated on the basis of resolution 68/268. This assessment only takes into account the number of registered individual communications received in the last two years as well as the backlog on the basis of an additional 5 per cent margin. Historic data shows that individual communications registered each year since 2015 ranged from 307 to 399, which is almost a 30 per cent variation. In addition, the backlog of communications registered and pending review by the relevant Committee increased drastically by 134 per cent from 769 as at 31 December 2015 to 1,800 as at 31 December 2021. The current margin of 5 per cent is not sufficient to absorb the workload associated with the pre-registration stage and the full case management cycle of an individual communication, as explained above. The work on urgent actions is currently absorbed within existing resources, which is not sustainable in view of the increasing workload.

### **D. Other mandated activities**

75. Recommendation 2 of OIOS states that OHCHR should define the scope of activities to be considered under the two weeks of additional meeting time allowed per treaty body for other mandated activities. Owing to COVID-related financial and staff constraints, it was not possible to undertake this exercise in 2020 and 2021. The exercise is still in progress, at the time of writing.

76. The full estimate to be presented to the General Assembly would include the additional OHCHR resources required to cover the travel and daily subsistence allowance of experts, documentation, conference services, and webcast and media coverage of meetings to implement the predictable schedule, harmonized working methods, the digital uplift, the backlog of individual communications and urgent actions, and support to the other mandated activities.

## VI. Conclusions and recommendations

77. Resolution [68/268](#) remains relevant and has resulted in many key achievements. Its implementation has also helped to identify gaps in support to mandated activities and the adjustments that are needed to remedy them. It will be critical to continue to support the human rights treaty body system on the basis of this landmark resolution. The resolution has a built-in systematic and in-depth review of the support needed for the treaty body system to fulfil its role of monitoring how States parties comply with their human rights obligations.

78. Treaty body recommendations analysing human rights laws and practices at the national level need to equally cover all States parties who have ratified the international human rights treaties. This is also central to the fulfilment of the Sustainable Development Goals and the promise of leaving no one behind, as United Nations country teams are increasingly drawing links between treaty body recommendations and the Goals, as a tool for coherent and effective support to countries working to achieve the 2030 Agenda for Sustainable Development. In addition, the preventive and early warning mandate of treaty bodies is a valuable tool for identifying signs of a worsening human rights situation with a view to addressing it in its early stages.

79. The treaty body system is at risk of being eroded due to insufficient resources, chronic under-reporting and limited coherence. The concrete agreement by treaty body Chairs to address many of the shortcomings by bringing predictability, improving accessibility, facilitating coordination and harmonizing the system would benefit States parties and rights-holders alike.

80. The predictable schedule takes into account the specific needs of small island developing States and least developed countries, which will be able to engage with treaty bodies through video conference, upon request. The hybrid meeting format has proven to be feasible and effective during the pandemic, albeit with conference service operation on business continuity mode. In order to meet the expected increase in the number of meetings in a hybrid format under the predictable schedule of reviews, the needs in terms of human resources and hardware/software, have to be addressed by providing the corresponding mandate and accompanying resources required. Digital options of interaction for greater engagement of treaty bodies with civil society and other non-State actors can also be enhanced by undertaking online outreach activities, in particular through the activities of the capacity-building programme.

81. The success and impact of the work of treaty bodies on individual communications and urgent actions of the Committee on Enforced Disappearances goes beyond the capacity of OHCHR to deliver. It is a matter of priority to support treaty bodies with sufficient resources to discharge all their mandated activities, including modernizing and digitizing work processes. It is necessary to implement a digital case file management system for individual communications and urgent actions of the Committee on Enforced Disappearances. Beyond the initial set-up costs, there will be continuing maintenance, upgrade and trouble-shooting costs, which should be covered in a sustainable manner through regular budgetary resources for the treaty body system to remain relevant, visible and accessible.

82. In order to implement the predictable schedule of reviews and ensure sustainable financing for the treaty body system in a forward-looking manner, it will also be necessary to adjust the existing formula in resolution [68/268](#) to match the workload and include all mandated activities under the relevant treaties. This will ensure the sustainability of a treaty body system that is fit for purpose. The



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political support of Member States is key in implementing the predictable review schedule and in providing the necessary funding to support all mandated activities.

83. As indicated in my vision for human rights, “The highest aspiration: a call to action for human rights”, and my report entitled “Our Common Agenda”, I am ready to work with States to find ways to put the human rights mechanisms on a more sustainable financial footing. I welcome the support of Member States for this recommendation expressed during the consultations on “Our Common Agenda” earlier in 2022.<sup>8</sup> This would enable the United Nations to allocate funding in a more strategic way, treaty bodies to be more efficient, States parties to comply with their obligations in a more predictable manner and rights-holders to have more trust in a system that was established to protect their rights.

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<sup>8</sup> As reflected in the summaries, transmitted by the President of the General Assembly to Member States on 20 June 2022, of the informal thematic consultations on the “Our Common Agenda” report of the United Nations Secretary-General, which were convened during the months of February and March 2022 in the framework of the follow-up process mandated by paragraph 3 of General Assembly resolution [76/6](#).