



CTI Closed Discussion

Exploring ways of easing the treaty body reporting burden on Small States

Commonwealth Small States Office, Geneva

4 April 2019 | 09:30 – 13:00, followed by lunch

(Coffee from 09:30-10:00h)

Concept note

Purpose

1. The discussion convened by the Governments of the Convention against Torture Initiative (CTI), namely Chile, Denmark, Fiji, Ghana, Indonesia and Morocco, together with Switzerland and Costa Rica, and in partnership with the [Commonwealth Secretariat](#) and the [Universal Rights Group \(URG\)](#), aims to create a safe space where Small States can discuss the challenges they face in engaging with the UN treaty body system, explore novel ideas of how the reporting burden could be eased, and how Small States could be better assisted throughout the reporting process.

Context

1. Reporting to the UN human rights treaty bodies, including to the UN Committee against Torture, plays an important role in supporting and advising States on how best to implement their international human rights obligations. At the same time, reporting often places a heavy burden on States Parties, in particular on Small States. Some of the main challenges that Small States face when engaging with the treaty body reporting process include coordination between various ministries and State agencies, capacity constraints, limited resources both human and financial (including travel to Geneva), and competition/prioritization with other reporting mechanisms and deadlines.
2. This issue of the 'reporting burden' was discussed during a briefing by the CTI to the Committee against Torture (CAT or Committee against Torture) in May 2018 on CTI's progress towards achieving universal ratification and active implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) by 2024. CTI informed the Committee that many States had shared that reporting was the number one deterrent to signing up to additional human rights treaty obligations, including UNCAT, and that it often stood in the way of otherwise political willingness to ratify.
3. Additionally, in referring to the review procedures, States have been requesting that they be streamlined or further simplified. Common criticisms include the number and scheduling of reports (including poor internal coordination amongst the nine treaty bodies), the large number of recommendations (including when added to other international

In partnership with:



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ante la Oficina de las Naciones Unidas
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recommendations), and the way the face-to-face dialogues are carried out, seen by some to limit opportunities for constructive conversation and/or seeking the Committee's advice on specific issues.

4. Recognising reporting challenges for Small States in particular, the Committee against Torture underlined to CTI at its briefing in May 2018 that it would be open to hearing from Small States on how it could adjust its procedures to encourage timely reporting.
5. In light also of the 2020 treaty body review process, it is considered that this meeting, and the views and recommendations generated, could contribute to the wider discussion on treaty body reform and strengthening. Please see the Annex 1 for further information on some of the more recent developments.

About CTI

6. The [CTI](#) is an inter-governmental, cross-regional initiative of the Governments of Chile, Denmark, Fiji¹, Ghana, Indonesia and Morocco, which launched a ten-year global initiative for the universal ratification and active implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT or Convention). CTI is an initiative *by States for States* aimed at facilitating technical advice, support and cooperation among States parties as well as non-State-parties to the Convention to help them overcome obstacles to ratification and implementation. The Initiative is supported by a Group of Friends made up currently of 41 States along with leading anti-torture non-governmental organisations and experts.

Objectives of the meeting

7. By providing a confidential space for States to share their experiences regarding reporting to UN human rights treaty bodies (TBs), including the UN Committee against Torture, the discussion hopes to:
 - Identify common challenges of timely reporting and effective follow-up to concluding observations, and gain a better understanding of the resource, capacity and other constraints affecting Small States with regard to meeting their reporting obligations;
 - Share good practices of national mechanisms and processes that have helped facilitate preparation and submission of reports and that could assist Small States in particular;
 - Explore the experiences of States that have reported to TBs (and CAT in particular), with a view to recommending ways in which the Committees could streamline reporting procedures or access for Small States (also explore what the CTI and/or other States could do to assist this process).

Date and Venue

8. The event will take place on **4 April 2019** at the **Commonwealth Small States Office**, at Rue du Pré-de-la-Bichette 1, 1202 Geneva, Switzerland, from 09:30 – 13:00h, followed by lunch.

Participants

9. The event is a closed meeting of Small States represented in Geneva along with CTI Core States, Switzerland, Costa Rica and other supporting States. Representation may be at any level depending on who has responsibility for this issue in each mission. The event will be

¹ In February 2019, at the 40th session of the Human Rights Council, Fiji accepted CTI's invitation to join the CTI core group of States and to support its efforts towards UNCAT ratification and implementation in the Pacific region and beyond.

opened at ambassadorial level. Also attending will be representation from the CTI Secretariat, the [Commonwealth](#) Secretariat and the [Universal Rights Group \(URG\)](#).

10. Participating States are encouraged to openly contribute to the discussions. The meeting will be conducted in English and be held under the [Chatham House rule](#) of non-attribution, such that no specific country experience will be reflected in the outcome report without permission, allowing participants to speak freely regarding their country's experiences of reporting to the TBs.

Outcome and Follow up

11. A "non-paper" will be prepared by the CTI Secretariat for the UN Committee against Torture (and OHCHR), which will be shared with the members of the Committee ahead of the CTI's next briefing on 2 May 2019.
12. The "non-paper" will aim to capture some of the constraints, challenges and recommendations put forward by States participating in this meeting. As indicated above, the views of neither individual participants nor the States they represent will be attributed in the report, rather, its purpose will be to offer some suggestions to the Committee on how reporting by Small States could be better facilitated. The "non-paper" may also be shared with others working on treaty body reform.

Background documentation

- [CTI's UNCAT Implementation Tool 3/2017 on Reporting to the UN Committee against Torture](#)
- [CTI Initial Reporting to the Committee against Torture – General Guidelines](#)
- [UN Guidance note for States parties on the constructive dialogue with the human rights treaty bodies](#)
- [Universal Rights Group, "The Outcome of the General Assembly's Treaty Body Strengthening Process: An Important Milestone on a Longer Journey" \(June 2014\)](#)
- [OHCHR National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#)
- [General Assembly Resolution 68/268 on Strengthening and enhancing the effective functioning of the human rights treaty body system, 21 April 2014 \(A/RES/68/268\)](#)
- [Report of the Chairs of the human rights treaty bodies on their 30th meeting, held in New York from 28 May to 1 June 2018 \(A/73/140\)](#)
- [Report of the Secretary-General on the Status of the human rights treaty body system \(A/73/309\)](#)
- [Geneva Academy, "Optimizing the UN Treaty Body System" \(Academic Platform Report on the 2020 Review\), May 2018.](#)

Annex I

Background information on the human rights treaty body review process

1. In February 2012, the General Assembly adopted [Resolution 66/254](#), launching an inter-governmental process on strengthening and enhancing the effective functioning of the UN human rights treaty body system. This was followed, in April 2014, by General Assembly [Resolution 68/268](#), requesting the Secretary-General to submit, on a biennial basis, a report on the status of the human rights treaty body system and deciding to review, by 2020, the effectiveness of the measures taken to ensure the sustainability of the UN human rights treaty body system. In August 2018, Secretary-General submitted its [second biennial report](#) on the “Status of the human rights treaty body system”, which concluded that, as of 31 December 2017, only 34 out of 197 States parties to the core international human rights treaties, that is, 17%, had timely reported to the TBs and had no overdue reports. The remaining 163 States parties had not complied with one or more of their reporting obligations, and as at 31 December 2017, 578 reports were overdue.
2. General Assembly [Resolution 68/268](#) also encouraged TBs to offer States parties a simplified reporting procedure. This simplified reporting procedure has involved a so-called “List of Issues Prior to Reporting” (LOIPR), which is transmitted to States parties at least one year in advance of the due date of the State report. At its 38th session, in May 2007, the CAT adopted the LOIPR on a trial basis, and it is now offered on a regular basis to all States parties with long overdue initial and in respect of all periodic reports. It has not yet been made available to initial reports. In essence, the written replies to the LOIPR constitute the State’s party periodic report under Article 19 of UNCAT. This procedure is variably available in respect of the other treaty bodies.
3. In addition to the LOIPR, in 2013, the CAT revised its [Rules of Procedure](#) to allow for the Committee’s review of measures taken by the State party *in the absence* of an initial report. So far, and called upon to appear sequentially, CAT has reviewed *in absentia* both Cabo Verde (November 2016) and Antigua and Barbuda (July 2017). The CAT was due to review the Seychelles in the absence of a report also but due to submission of the Seychelles’ first initial report prior to the review, the review was able to be undertaken, and organised entirely via videoconference in July 2018.