

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COMMITTEE 97TH SESSION DIALOGUE ON WORKING METHODS 22, 27, AND 29 OCTOBER 2009

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Overview of draft revised guidelines

The Human Rights Committee engaged in several discussions during its 97th session on draft revised guidelines for State party reports. The Committee held the discussion in response to the Inter-Committee Meeting's (ICM) recent request that all treaty bodies adopt new guidelines by the end of 2009 in order to harmonize them with the practice of the other human rights treaty bodies. The discussions focused on three paragraphs of the draft guidelines relating to a simplified reporting procedure. Under the **list of issues** approach, a State would have the option of utilising a simplified reporting procedure after submitting at least one report using the traditional, lengthier procedure. The Committee would prepare and adopt a list of relevant issues to be transmitted to the States parties, the responses to which would then constitute the State party's report. Ideally, the new reporting procedure would lead to fewer late reports, as it would significantly lessen the burden on reporting states. Currently, the Committee against Torture (CAT) is the only treaty body which has previously accepted the procedure. However its effectiveness still remains to be seen, as no State party has yet been reviewed under it.

Overview of key issues

Committee members raised several substantive concerns about possible disadvantages of the new procedure. The new procedure will mean a dramatically **increased workload** for the task force charged with drawing up the list of issues, as the Committee will have to undertake more research prior to each session in order to draft the list of issues. Also, the new procedure will hopefully lead to fewer late responses, which means there will be more information coming to the Committee by States. Committee members also expressed concern about the impact of the new procedure on **interaction between the Committee and civil society**. On one hand, civil society may have fewer opportunities to communicate information to the Committee, as the drafting of the list of issues happens in closed meetings. Because of this concern, it was suggested by Committee member Mr Michael O'Flaherty that perhaps NGOs should be given an opportunity to provide their views about the proposed model before its implementation. In the alternative, some members raised concerns that the new procedure, by concentrating on a list of questions sent prior to the submission of the report, opened the Committee up to the risk of being accused of relying on 'outside sources', whereas the Committee traditionally bases its consideration on information furnished by the State party.

Committee members also debated whether the adoption of the draft revised guidelines would be in line with efforts towards **harmonisation of the Committee’s working methods** with the practices of the other human rights treaty bodies. Committee rapporteur Ms Helen Keller pointed out that the reason the Committee had to revise its guidelines was to harmonise them with the practice of other treaty bodies. However it was pointed out that currently the Committee against Torture (CAT) is the only other treaty body to adopt this procedure. Furthermore, Mr O’Flaherty raised the question of whether the list of issues approach might be better suited to CAT than to the Human Rights Committee, as the *Convention against Torture* is a narrowly framed instrument, while the Human Rights Committee undertakes a broad, systematic examination of a broad range of civil and political rights.

On 22 October 2009, the Secretary of the Committee against Torture, Joao Nataf, presented the practice of the Committee with regard to the procedure of using the list of issues as the basis for State party reports. He responded to concerns of some Committee members about the sources of information upon which lists of issues would be drafted by explaining that CAT consults with its own previous concluding observations, concluding observations of other treaty bodies, information from the UN system (i.e. rapporteurs and UN agencies), information related to the Universal Periodic Review process, and information obtained from the public (i.e. NGOs and national human rights institutions). Otherwise, a discussion of CAT’s experience was of limited usefulness, as the procedure is still very new. Although a small number of States have submitted reports to CAT using the new procedure, none of these reports has yet been considered by the Committee.

Key outcomes of the dialogue

According to the OHCHR press release,¹ the Committee has ‘agreed to move forward with the new streamlined procedure’ and ‘asked Ms Keller to draft a short clarifying text for submission to the Committee at its next session’ responding to concerns expressed throughout the discussions.

¹[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/60605A9080884E70C125765E003E02F9?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/60605A9080884E70C125765E003E02F9?OpenDocument)

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ABOUT THE PUBLICATION

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