

RIGI RETREAT

DRAFT DISCUSSION PAPER III

Predictable Scheduling, Clustered Reviews and Sustained Follow-Up in the Treaty Body System

Background and Context

The predictable schedule of reviews emerged as one of the central elements of the treaty body strengthening process. In the OHCHR Working Paper of 29 May 2023, prepared in response to the Chairs' 2022 conclusions, the predictable schedule was presented as one of three interdependent pillars, together with harmonization of working methods and digital uplift. The working paper emphasized that these pillars need to be pursued in parallel and in synergy. It warned that, without agreement on implementation, the status quo would prevail, backlogs would continue to increase, and OHCHR would be forced to reduce deliverables to the level supportable with existing resources.

The rationale is straightforward. The current system remains too dependent on the submission and processing of static State party reports. When reports are delayed, reviews are delayed. When sessions are cancelled, reports become outdated. When the meeting-time formula is calculated on the basis of reports received rather than reports due, under-reporting and reduced submissions can paradoxically lead to reduced meeting time, further delays and increased backlog. This creates a downward spiral that undermines predictability, credibility and State/stakeholder engagement.

The predictable schedule was designed to address this dynamic by ensuring equal treatment among States parties, facilitating planning, reducing duplication, avoiding the accumulation of future backlog, and providing more timely expert advice. The OHCHR Working Paper states that an eight-year predictable schedule would replace unpredictability with a cycle that allows States and other stakeholders to plan their substantive and organizational preparations with certainty, while the inclusion of follow-up reviews would balance regular visibility at the national level with the time and resources required from States, treaty bodies and stakeholders.

What this means is that scheduling should be framed as part of a new reporting cycle rather than as a calendar overlay on the existing procedure. A predictable cycle becomes truly transformative only if it is connected to a continuously updated digital information platform; clustered or coordinated reviews where treaty obligations overlap; regional or

decentralized dialogues that increase accessibility and proximity; and sustained follow-up focused on implementation between full reviews.

Evolution of the Reform Proposals and Decisions

2022: Establishing the structural foundation

The structural foundation was laid at the 34th annual meeting of the Chairs in 2022. As recalled in the 2024 Chairs' report, the Chairs agreed to establish a predictable eight-year calendar of reviews covering all treaty body reporting procedures and all States parties and requested OHCHR to present options for implementation. OHCHR subsequently prepared the Working Paper of 29 May 2023, revised in April 2024, setting out technical options and guiding questions for implementation (A/77/228, para. 55 (1)(a)-(c), (h)-(i); OHCHR Working Paper, Annex I).

According to the OHCHR Working Paper, the eight Committees with periodic reporting procedures - CESCR, the Human Rights Committee, CERD, CEDAW, CAT, CRC, CRPD and CMW - would establish an eight-year review cycle for full reviews, with follow-up reviews in between. CED and SPT would be included according to their specific mandates and practices. The schedule would take into account the UPR calendar, prioritize backlog and long-overdue reports and include follow-up reviews on up to four priority issues identified during the full review or emerging subsequently.

The 2022 model was therefore already more than a calendar for full reviews. It was a proposal for a regular review-and-follow-up cycle, differentiated where necessary for Committees with distinct mandates.

2023: Developing the options and confirming feasibility

In 2023, OHCHR's Working Paper translated the 2022 conclusions into operational options. It proposed three models for an eight-year predictable schedule of reviews

The first model, **linear reviews**, would schedule reviews sequentially across the eight-year cycle. In practice, a State that had ratified all eight treaties with periodic review obligations would generally undergo no more than one full review per year, as far as scheduling allows. This model is administratively simpler and spreads reviews evenly, but it also means that heavily ratifying States could remain almost continuously engaged in treaty body review processes across the cycle.

The second model, **partial clustering**, would schedule reviews under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights back-to-back in the same year, followed by a year without reviews, with the remaining six treaty reviews scheduled sequentially. The rationale is to strengthen the indivisibility of civil, political, economic, social and cultural rights, while reducing duplication for States and stakeholders.

The third model, **full clustering**, would see two treaty reviews undertaken back-to-back every other year, as much as feasible from a scheduling perspective. Covenants and Conventions would be paired where rights are similar, overlap and/or are traditionally addressed by the same national authorities or stakeholders. The Working Paper explains that this would facilitate substantive preparation, reduce repeated questions, promote coherence in international human rights law, eliminate unnecessary duplication in concluding observations and leave alternating years for implementation and preparation. Illustrative pairings include ICCPR/ICESCR, CEDAW/CRC, CERD/CMW and CRPD/CAT (OHCHR Working Paper, section V.A and Annex I).

The Working Paper also proposed three modalities for follow-up reviews: **correspondence-based review**; **correspondence plus hybrid** or online constructive dialogue and stakeholder briefings; and **in-situ visits** by treaty body members and Secretariat staff. The first option is the least costly but less visible. The second balances direct engagement with cost-efficiency. The third maximizes visibility and national-level engagement but requires more preparation, resources and, in practice, standing invitations from States to allow predictable scheduling of such missions.

At their 35th annual meeting in 2023, the Chairs confirmed that the three options for an eight-year predictable schedule were in line with their 2022 conclusions, provided that CED and SPT were included as part of the overall system. They recognized the benefits of the simplicity of the linear model, while also deciding to deepen analysis of clustering practices, including pilots involving the Human Rights Committee and CESCR, and back-to-back reviews conducted by CEDAW and CRC (A/78/354, para.s 82, 85-86).

The Chairs also stated that the introduction of the eight-year predictable schedule was intended to ensure equal treatment among States, full compliance with reporting obligations and improved engagement by States parties, rights holders, victims and stakeholders. They confirmed that any of the options for the predictable schedule could be implemented by all human rights treaty bodies if the necessary human, technical and financial resources were provided. (A/78/354, para 85).

On follow-up, the Chairs agreed in 2023 that follow-up reviews should focus on up to four specific priority issues identified during the full review or emerging subsequently. They also confirmed differentiated modalities for SPT and CED: SPT would hold cyclic dialogues with States parties between visits to assess implementation of its recommendations and

continue advising national preventive mechanisms, while CED would request additional information every two, four or eight years, depending on implementation, fulfilment of State obligations and the evolution of the enforced disappearance situation, thereby merging follow-up review with its additional-information procedure (A/78/354, para. 86).

2024: Moving from options to decisions

The 36th Chairs' meeting in 2024 marked the attempt to move from options to implementation). The Chairs described the system as being at a pivotal moment: as of 31 December 2023, 143 out of 197 States parties, or 72.6 per cent, had a total of 483 overdue reports; as of 31 May 2024, the backlog of reports pending review stood at 493; and 1,913 individual communications were pending review, requiring approximately 6.65 years to clear at current capacity, without considering new cases (A/79/292, para. 50).

Against this background, the Chairs called for a "conclusive" biennial General Assembly resolution in December 2024 with a corresponding budget and an adjusted resource formula under General Assembly resolution 68/268 (A/79/292, paras. 51–53). This was explicitly linked to implementation of the predictable schedule of reviews, as detailed in the OHCHR Working Paper.

The Chairs also adopted or refined several working-methods decisions that are essential to predictability: the simplified reporting procedure should become the default, subject to the availability of resources; once the eight-year schedule is fully operational, constructive dialogues should be scheduled within six months of receipt of the State party report; hybrid or online dialogues should be available for SIDS and LDCs upon request, while remaining exceptional for other States; postponements should be limited to exceptional circumstances; reviews may proceed in the absence of a report and/or delegation where the State does not cooperate or where no justified postponement applies; and stakeholder submission deadlines, common word limits and guidelines should be harmonized (A/79/292, paras. 59, 63–65 and 67).

This shows that predictable scheduling cannot function as a calendar alone. It requires harmonized procedures on reporting, postponements, reviews in absence, stakeholder engagement and hybrid participation.

2025: From full reform package to current-resource simulation

General Assembly resolution 79/165 of 17 December 2024 did not follow the Chairs' call to adopt a decisive resolution completing the strengthening process and instead reaffirmed the existing meeting-time formula under resolution 68/268. The Chairs described this as a missed opportunity to implement the predictable eight-year calendar

and to provide effective funding for treaty-mandated activities not, or insufficiently, covered by the existing formula (A/80/294, para. 53).

The liquidity crisis also worsened. OHCHR had received only 73 per cent of its approved regular budget, down from 87 per cent in 2024. Nine out of 14 additional posts approved for 2024–2025 could not be filled. The cancellation of third sessions of CERD, CCPR, CEDAW, CAT, CRC and SPT meant that at least 35 planned and budgeted State party dialogues would not take place in 2025, causing reports to become outdated, the backlog to grow further and stakeholders to lose opportunities to raise issues. Around 185 individual communications would also not be decided in 2025 (A/80/294, paras. 8 and 57–63).

The latest status is therefore not implementation of the original eight-year predictable schedule. Instead, the Chairs requested the Secretariat to present, and then took note of, a theoretical simulation for predictable scheduling of reviews for all nine Committees with reporting mandates, within current formula-based resources and staffing, factoring in the backlog of reports to be reviewed. The simulation assumes implementation of the 2024 conclusions on postponements and reviews in the absence of a State party report and/or delegation; aligns, to the extent possible, with existing public calendars prepared by the Human Rights Committee, CRPD and CED; takes into account the overall meeting time allocated to each treaty body, the maximum number of concluding observations adopted by each treaty body by year and session, and current staff capacity, excluding vacant posts; and includes a limited clustering element whereby States parties that have ratified both ICCPR and ICESCR would, to the extent possible, be reviewed under both Covenants in the same year, back-to-back where possible. Priority would be given to reports in the backlog, as well as initial and long-overdue reports. The Chairs undertook to bring the simulation to their respective Committees for discussion and comments and to review the matter again at their 38th meeting in 2026 (A/80/294, paras. 75–77).

This 2025 simulation is useful as a planning tool, but it does not amount to the full, resource-supported eight-year schedule originally proposed. For Rigi, the key issue is therefore whether predictability will remain a constrained exercise in managing scarcity, or become the backbone of a redesigned, digitally supported and regionally connected review-and-follow-up cycle.

Overall trajectory

The period 2022–2025 shows a clear but uneven trajectory.

- **2022:** the Chairs established the structural vision: an eight-year predictable schedule of full reviews, follow-up reviews in between, integration of CED and SPT according to their specific mandates, prioritization of backlog and long-overdue

reports, and coordination with the UPR calendar (A/77/228, para. 55; OHCHR Working Paper, Annex I)

- **2023:** OHCHR translated this vision into three scheduling models (linear reviews, partial clustering and full clustering) and three follow-up modalities (correspondence-only review, hybrid/online follow-up dialogue and in-situ visit)s. The Chairs confirmed that any of the eight-year schedule options could be implemented by all treaty bodies if the necessary human, technical and financial resources were provided. They also reaffirmed the simplified reporting procedure as a default model supported by digital tools (A/78/354, paras. 82, 85 and 87)
- **2024:** the Chairs attempted to move from options to implementation. They called for a conclusive General Assembly resolution with adjusted resources, adopted or refined common rules on SRP, LOIPRs, hybrid dialogues, postponements, reviews in absence and stakeholder submissions, and emphasized the need to conclude the strengthening process (A/79/292, paras. 53, 59 and 63–67)
- **2025,** after General Assembly resolution 79/165 did not endorse the full package or provide the needed resources, the process shifted to a more limited current-resource simulation. This simulation is useful as a planning tool, but it does not amount to the full eight-year predictable schedule originally proposed. It concerns all nine Committees with reporting mandates and is to be reviewed again at the 38th Chairs' meeting in 2026 (A/80/294, paras. 53 and 75–77)

The trajectory is therefore one of conceptual consolidation but political and resource constraint. Predictability is widely accepted in principle. The technical options exist. Many supporting working-methods decisions have been adopted. Yet the full schedule has not been implemented because the necessary resources and political endorsement were not secured.

From scheduling to a new reporting cycle

The most important conceptual shift is to present predictable scheduling not as a stand-alone reform, but as the backbone of a new reporting cycle.

Under the current model, the State party report remains the central trigger of the review process. The system waits for reports; reports become outdated; reviews are postponed or delayed; stakeholder participation is often organized around uncertain timelines; follow-up remains uneven; and the meeting-time formula continues to reinforce a backward-looking logic based on actual reporting rather than treaty obligations due.

Under the “Rigi model”, the reporting procedure would instead become a continuous cycle. A digital information platform would allow States, UN actors and stakeholders to submit and update information on an ongoing basis. A predictable schedule would determine when each State will be reviewed, whether or not a traditional report has been

submitted. Clustering would enable related treaty reviews to be prepared and conducted in a coordinated way. Regional or decentralized dialogues would increase accessibility and proximity. Geneva-based plenary sessions would retain formal functions, including adoption of concluding observations and other mandated tasks. Follow-up would focus on a small number of priority issues, supported by digital tracking and regional or national implementation engagement.

In that model, digitalization, regionalization and scheduling become mutually reinforcing:

Digitalization makes scheduling less dependent on one-off static reports because information is available and updateable throughout the cycle.

Regionalization makes follow-up more meaningful because implementation dialogue can take place closer to national and regional actors.

Predictable scheduling gives both digitalization and regionalization a structure: when information is needed, when stakeholders engage, when dialogues occur, when concluding observations are adopted, and when follow-up is reviewed.

The Rigi question is therefore whether the treaty body system should continue to pursue predictability within the constraints of the current procedure, or whether predictability should be used to redesign the procedure itself.

Feasibility analysis

A predictable schedule of clustered reviews and sustained follow-up is feasible, but only if it is understood as part of a broader redesign of the reporting cycle rather than as a stand-alone calendar exercise.

Legal and Mandate Feasibility: predictable scheduling can be pursued within existing treaty mandates

A predictable schedule of reviews is legally feasible. The reform is framed within existing treaty mandates and treaty body working methods, not as a modification of treaty obligations. The OHCHR Working Paper and later Chairs' reports recall that the treaty bodies can move toward greater coordination and predictability without treaty amendment, while General Assembly resolution 68/268 already invited treaty bodies and OHCHR to work toward a clear and regularized reporting schedule.

The more sensitive procedural issues - reviews in the absence of a report or delegation, differentiated modalities for CED and SPT, and the use of online or hybrid formats - have already been addressed in part through the OHCHR Working Paper and the 2024–2025 Chairs' conclusions. The 2025 simulation itself assumes implementation of the 2024

conclusions on postponements and reviews in absence, confirming that these are now treated as operational prerequisites for predictability

Technical and Institutional Feasibility: the calendar can be constructed, but working methods must be harmonized

The reform is technically feasible. The OHCHR Working Paper set out three possible eight-year scheduling models and three follow-up modalities, while the 2025 Secretariat simulation shows that even under current resources a predictable calendar can be constructed using existing Committee calendars, allocated meeting time, concluding-observation capacity and current staffing.

The institutional challenge is more significant. Predictability requires harmonized working methods: simplified reporting, coordinated LOIPRs, rules on postponements, reviews in absence, stakeholder deadlines and hybrid participation. The Chairs have made progress on these elements, but implementation remains uneven. In 2025, they noted that LOIPRs still need to be simplified and better coordinated across Committees, and that stakeholder interaction modalities had not yet been fully harmonized.

The simplified reporting procedure illustrates the point. It is politically endorsed as the default model, but its system-wide operationalization remains resource-dependent. The 2024 six-month target for holding the constructive dialogue after receipt of the State party report applies once the eight-year schedule is fully operational; it should not be read as applying to the more limited 2025 current-resource simulation.

Normative Feasibility: predictability supports equal treatment, participation and follow-up

Normatively, predictability is compelling. It promotes equal treatment of States parties, prevents non-reporting States from escaping review, gives stakeholders reliable entry points, and supports more timely concluding observations. It also strengthens implementation by making follow-up part of a regular cycle rather than an uneven afterthought.

This is where digitalization and regionalization become essential. Digitalization can keep information updated throughout the cycle and reduce dependence on static State party reports. Regionalization can make follow-up more meaningful by connecting treaty body engagement to national and regional implementation actors. Predictable scheduling then gives both reforms a structure: when information is submitted, when stakeholders engage, when dialogues occur and when follow-up is reviewed.

Political and Resource Feasibility: broad acceptance, but insufficient political and budgetary endorsement

Political feasibility is mixed. Predictability is broadly accepted as a reform objective: in the consultations leading up to the 2024 meeting, many States expressed support for greater predictability, and a number supported an eight-year cycle. At the same time, the Chairs repeatedly called for a conclusive General Assembly resolution with a corresponding budget and adjusted resource formula. However, General Assembly resolution 79/165 did not endorse the Chairs' proposed implementation package and instead reaffirmed the existing meeting-time formula under resolution 68/268. The Chairs described this as a missed opportunity to implement the predictable eight-year calendar and fund treaty-mandated activities insufficiently covered by the current formula.

Resource feasibility is therefore the central constraint. The 2025 shift to a current-resource simulation is a pragmatic response, not a systemic solution. It may improve planning, but it cannot deliver the full "overhaul" unless combined with sustainable resources, digital efficiencies and redesigned workflows.

Overall assessment

A predictable schedule of clustered reviews and sustained follow-up is achievable, but the strategic choice is no longer simply whether the treaty body system can produce a calendar. The 2025 current-resource simulation might show that a more predictable schedule can be constructed even within existing constraints. Its value lies in making the workload more visible, helping Committees plan, reducing scheduling conflicts and giving States and stakeholders clearer expectations. However, this remains a minimum predictability scenario. It can rationalize scarcity, but it cannot by itself deliver the systemic "overhaul" envisaged.

The original eight-year predictable schedule remains the more coherent reform objective. It would move the system away from a reactive model driven by late reports, cancelled sessions and accumulated backlog, toward a regular cycle in which all States are treated equally and reviews take place according to treaty obligations rather than the happenstance of report submission. With adequate resources, this model would stabilize the system and make planning more credible for treaty bodies, States, NHRIs, civil society, UN country teams and OHCHR. It would also provide the necessary framework for a more meaningful follow-up procedure between full reviews.

The most ambitious option is to go one step further: to frame predictability as the organizing principle of a redesigned reporting procedure. In that model, the schedule would not simply allocate review slots. It would structure a continuous cycle of information, dialogue, recommendation and implementation. Digitalization would ensure that treaty-relevant information remains updated throughout the cycle; clustering

would reduce duplication and allow related treaty obligations to be considered more coherently; regionalization would bring dialogue and follow-up closer to implementation actors; and sustained follow-up would prevent concluding observations from remaining episodic outputs disconnected from national action.

The strategic assessment is therefore threefold. A current-resource simulation can improve planning and should be treated as a useful interim measure. A resourced eight-year schedule can stabilize the treaty body system and restore predictability. But only a digitally supported, regionally connected and clustered review-and-follow-up cycle can realize the deeper overhaul. The best approach should therefore be to avoid treating the 2025 simulation as the endpoint of reform. It should instead use it as evidence that predictability is technically possible, while arguing that real transformation requires a political decision to move from backlog management to a renewed treaty body reporting cycle.

Potential questions for discussion

- Should the treaty body system treat the 2025 current-resource simulation as a temporary planning tool, or as the baseline for future reform?
- Should Rigi reaffirm the original eight-year predictable schedule as the strategic objective, despite the lack of endorsement in General Assembly resolution 79/165?
- How far should clustering go: limited clustering, broader full clustering, or a flexible model based on national implementation structures and treaty overlap?
- How can digitalization reduce dependence on static State party reports and support reviews even where reports are delayed or absent?
- Which follow-up modality should be prioritized: correspondence, hybrid/online dialogue, regional consultation, or in-situ review?
- What should be the relationship between predictable treaty body reviews and the UPR calendar?
- What functions can be decentralized or regionalized without compromising the authority, independence and collegiality of treaty bodies?
- What elements of a new predictable review-and-follow-up cycle should be included in a future General Assembly resolution?
