

# Human Rights Treaties Division

## Background

The human rights treaty bodies are independent committees that were established under the international human rights treaties. They are composed of experts, serving in their personal capacity, who are elected by States Parties. Treaty bodies monitor the implementation of human rights treaties through a system that requires the periodic review of reports submitted by the States Parties to each treaty. All international core human rights treaties are supplemented by optional protocols or contain optional provisions that enable the committees to receive and consider individual complaints. The treaty bodies issue recommendations to States Parties in order to assist them with the implementation of their treaty-based obligations at the national level. The treaty bodies also adopt general comments on thematic issues and conduct inquiries regarding allegations of violations. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment undertakes visits to States Parties aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment.

The 10 treaty bodies consist of:

- ▶ The Human Rights Committee (HR Committee)
- ▶ The Committee on Economic, Social and Cultural Rights (CESCR)
- ▶ The Committee on the Elimination of Racial Discrimination (CERD)
- ▶ The Committee on the Elimination of Discrimination against Women (CEDAW)
- ▶ The Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- ▶ The Subcommittee on Prevention of Torture (SPT)
- ▶ The Committee on the Rights of the Child (CRC)
- ▶ The Committee on Migrant Workers and Members of Their Families (CMW)
- ▶ The Committee on the Rights of Persons with Disabilities (CRPD)
- ▶ The Committee on Enforced Disappearances (CED)

The recommendations of the treaty bodies are used in a wide variety of contexts in the work of the Office, including as background documentation



A young participant at the interactive panel discussion organized in New York to mark the 25th anniversary of the Convention on the Rights of the Child, November 2014.

for the Universal Periodic Review (UPR), reference material for thematic research undertaken by OHCHR and to support the work of the special procedures and activities of OHCHR field presences.

In addition to supporting the treaty bodies by facilitating their activities as outlined above, the Human Rights Treaties Division (HRTD) is responsible for:

- ▶ Continuously updating the Universal Human Rights Index (UHRI) ([www.uhri.ohchr.org](http://www.uhri.ohchr.org)).
- ▶ Administering the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the Special Fund of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ▶ Promoting the continued improvement and harmonization of the work of the treaty bodies through the annual Meeting of Chairpersons of the Human Rights Treaty Bodies and consistent follow-up with the individual treaty bodies.

In recent years, the size of the human rights treaty body system has significantly expanded with the creation of four new treaty bodies (CMW, CRPD, SPT

and CED) and three new procedures for individual complaints (specifically under the Convention on the Rights of Persons with Disabilities (CRPD), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC)).

The Optional Protocol to the CRC on a communications procedure entered into force on 14 April 2014. As a result, all of the monitoring bodies of the core human rights treaties now have individual communications procedures. Only article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) has not yet entered into force. This strengthening of the international human rights legal framework represents an important step forward in ensuring the availability of enhanced tools for the protection of human rights.

The total number of treaty body experts in 2014 amounted to 172 (versus 125 in 2010 and 97 in 2000). In addition, the allocated meeting time of the treaty bodies increased to 79 weeks in 2014 (versus 72 weeks in 2010 and 56 weeks in 2000).

The year 2014 saw the conclusion of the treaty body strengthening process (GA resolution 68/268). The outcome document proposed a series of measures, including, inter alia, granting more meeting time and human and financial resources from the regular budget to the treaty bodies. The resolution also put forward a capacity-building package, to be funded from the regular budget, to assist States Parties with fulfilling their human rights obligations. It further proposed measures to modernize the treaty body system, increase its accessibility and foster internal harmonization between the 10 treaty bodies. The outcome of the intergovernmental process constituted a model of rationalization and cost-effectiveness, since it identified savings and recommended their reinvestment in both improvements and capacity-building.

**9** core international human rights treaties

**10** treaty bodies

**59** new ratifications and accessions in 2014

**143** State Party reports considered in 2014

**268** reports pending consideration as of the end of 2014

**627** individual communications pending consideration as of the end of 2014

Approximately **15,000** pages of documentation processed annually (State Party reports, lists of issues, concluding observations, views and decisions)

Approximately **7,800** recommendations adopted annually

Final decisions adopted on **139** communications

**79** weeks in session in 2014

**172** treaty body experts within the 10 treaty bodies

**7** missions of the Subcommittee on Prevention of Torture

Disbursement of more than **300** grants, representing more than US\$7.5 million, by the humanitarian funds and the Special Fund established by the Optional Protocol to the Convention against Torture

## Results

### Strengthening international human rights mechanisms

- ▶ *Increased ratification of international human rights instruments and review of reservations with a focus on instruments and regions with low ratification rates, including optional protocols (EA 2)*

In the biennium 2012-2013, a total of 113 ratifications were deposited with the Secretary-General. In 2014, the number of ratifications and accessions was 59, representing a noticeable decrease from 70 ratifications deposited in 2012. The total number of ratifications of and accessions to the international human rights treaties and protocols currently stands at 2,258, which also refers to the acceptance of articles relating to individual communications procedures. Throughout 2014, OHCHR advocated for the ratification of all human rights treaties and the withdrawal of reservations, including through public statements delivered by the High Commissioner, the publication of press articles, during technical cooperation processes

and bilateral meetings with State officials, the highlighting of recommendations and issuing of encouragements by the treaty bodies and special procedures, during the UPR and at special anniversaries celebrated such as the 25th anniversary of the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and the 30th anniversary of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) sets out an international complaints procedure for child rights violations and entered into force in April 2014. The OP-CRC-IC will enable children from States that have ratified both the Convention and the Protocol to bring complaints about violations of their rights directly to the CRC.

► *Increased compliance and engagement of Member States with international human rights mechanisms (EA 6)*

In 2014, HRTD supported the work of the 10 human rights treaty bodies, which met for a combined total of 79 weeks. The treaty bodies with a State Party reporting procedure received a total of 104 State Party reports and 13 common core documents. The treaty bodies adopted concluding observations on 143 States Parties. The Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities and the Human Rights Committee examined and adopted final decisions, including on discontinuation, in relation to 194 communications. These committees, as well as the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, registered 278 communications/cases, 127 of which contained requests for interim measures. The Committee on Enforced Disappearances registered 51 urgent actions and interim and protection measures were requested in 45 of these cases.

In 2014, the SPT carried out three regular visits to Azerbaijan, Nicaragua and Togo, although the mission to Azerbaijan was cut short during the visit. The SPT also carried out two National Preventive Mechanism (NPM) visits to Ecuador and Malta, one advisory visit to Nigeria and one follow-up visit to the Maldives. OHCHR provided substantive and organizational secretariat support to the SPT in the preparation for, conducting of and follow-up to the country visits.

Through capacity-building activities, HRTD contributed to increased reporting by States

Parties. This support included the organization of training sessions on the common core document and treaty specific guidelines, reporting, individual communications and follow-up to recommendations. Training activities also took place for the benefit of UN partners and national human rights institutions (NHRIs). The following training activities were carried out: reporting to the treaty bodies with a focus on CESC and CRPD (Namibia), CEDAW (Bahamas and Saint Martin); CAT (Tunisia), CAT, CESC and CRC, with a specific focus on the OP-CRC-AC (Myanmar); CESC and common core documents (Mali); general treaty body reporting (Viet Nam); and reporting by NHRIs (Sudan). In addition, a capacity-building workshop was held on the rights of migrant workers (United Arab Emirates); a human rights treaties course was held for magistrates (Angola) and a training on human rights mechanisms was organized for civil society representatives (Turkey).

In 2014, OHCHR continued to make the UHRI available as an updated and comprehensive tool for searching treaty body outputs. HRTD rolled out its new database for the treaty body system, accessible from the OHCHR website, which enabled users to refine their research and provided updated and accurate information regarding the ratification and reporting status of the treaties. In addition, HRTD worked towards the establishment of a jurisprudence database and signed an agreement to take over the existing database at the University of Nijmegen. The migration of data began in the second half of 2014 and the database became fully operational in January 2015.

► *Increased number and diversity of rights-holders, and of national human rights institutions and civil society actors acting on their behalf, making use of United Nations and regional human rights mechanisms and bodies (EA 7)*

Engagement of civil society and other stakeholders with the treaty bodies is well established. Each year, the treaty bodies receive more than 1,000 written submissions from civil society, NHRIs and UN entities. In addition, over 1,000 observers attended treaty body public meetings in 2014 and 1,256 stakeholder submissions were received by the treaty bodies. In 2014, OHCHR continued to develop and use online systems to facilitate the management of civil society participation in the sessions of various human rights mechanisms. OHCHR also trained staff members to use systems developed by other parts of the UN to manage the accreditation processes for sessions of CEDAW, CED and the HR Committee.

- *Advances in the progressive development of international and regional human rights law in areas relevant to the thematic priorities (EA 8)*
- OHCHR supported the progressive development of international human rights law, notably through studies and consultations and by supporting the treaty bodies in elaborating general comments. General comments are authoritative statements that provide States Parties and other stakeholders with detailed and expert clarification of treaty provisions to enhance understanding about the provisions and assist in the national-level implementation of treaty obligations. In 2014, five general comments/recommendations were adopted:
- General Comment No. 35 on Article 9 of the ICCPR concerning liberty and security of the person;
  - General Recommendation No. 32 of CEDAW on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women;
  - Joint General Recommendation/General Comment No. 31 of CEDAW and No. 18 of CRC on harmful practices; and
  - General Comment No. 1 on Article 12 of CRPD on equal recognition before the law and General Comment No. 2 on Article 9 of CRPD on accessibility.

OHCHR supported a number of treaty bodies in organizing thematic debates with a view to improving understanding of the application of the instruments in specific areas. In a number of cases, preliminary information was gathered for the preparation of general comments and general recommendations. In 2014, the CMW and the ILO organized a day of general discussion on workplace exploitation and workplace protection and a thematic debate for the CED addressed the issue of military tribunals. Moreover, CEDAW organized a half-day discussion on the right to education for girls and women and CRC held a full-day general discussion on digital media and children's rights.

OHCHR worked with a number of treaty bodies to issue statements on particular issues or in the context of specific situations. In 2014, CEDAW issued statements on the situation of women and girls in Iraq and Syria, the situation in Gaza, the abduction of Nigerian schoolgirls and the post-2015 development agenda. CRPD issued a number of statements, including a joint statement with the Special Rapporteur on the rights of persons with disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility, a statement on disability inclusion in the Third World Conference on Disaster Risk



View of the room during the review of the report from the Holy See by the Committee on the Rights of the Child, January 2014.

Reduction and beyond, a statement on article 14 of the Convention on the Rights of Persons with Disabilities and a statement on the Sustainable Development Goals and the inclusion of the rights of persons with disabilities in the post-2015 agenda on disability and development. Finally, CERD issued a statement on the situation in Iraq.

- *Enhanced synergies, complementarity and coherence within and between human rights mechanisms (EA 9)*

In April 2014, the General Assembly concluded the treaty body strengthening process and adopted resolution 68/268. OHCHR is working closely with States, treaty bodies and the United Nations system to ensure the smooth and effective implementation of the resolution. For instance, work was carried out with the United Nations Office at Geneva (UNOG) to prepare the 2015 calendar. During the year, the treaty bodies will benefit from an additional 20 weeks of meeting time, which represents a 30 per cent increase over the 2014 calendar year, resulting in a total of 100 weeks of meeting time. During 2014, HRTD extensively briefed all treaty bodies about resolution 68/268 and the measures being taken to harmonize working methods across the treaty body system. States Parties have been repeatedly informed about the new page limitation for their reports to the treaty bodies.

At their annual meeting in June 2014, the Chairpersons considered the implications of General Assembly resolution 68/268 on treaty body strengthening and formulated several recommendations to the treaty bodies for the harmonization of working methods. Most of the committees have subsequently taken steps to ensure the availability of the simplified reporting procedure, adopted a Guidance Note for States on the constructive dialogue and harmonized the

format of their concluding observations. During 2014, OHCHR continued its cooperation with the Registry of the European Court of Human Rights regarding individual cases. During the eighth annual meeting of the cooperation between OHCHR and the Secretariat of the Council of Europe, participants discussed the issue of the implementation of treaty body decisions and judgments of the European Court.

To kick off celebrations for the 25th anniversary of the adoption of the Convention on the Rights of the Child, the Committee on the Rights of the Child dedicated the entire day of 24 September 2014 to an online dialogue with groups of children in 14 countries so that the Committee could hear their views on the state of children's rights. During the day, four different sessions were held (two in English, one in Arabic and one in Spanish), involving children from Australia, Belgium, Dominican Republic, Gambia, Japan, Lebanon, Nepal, Peru, the Philippines, Tunisia, Turkey, Tanzania, Uruguay and Yemen.

## Global Management Outputs

### **A gender perspective is effectively integrated into all OHCHR policies, programmes and relevant processes (GMO 3)**

- ▶ HRTD assisted in the office-wide elaboration of a gender strategy in relation to the treaty bodies, implemented relevant parts of the strategy and provided training for staff. The Division also encouraged the Secretariat to integrate a gender perspective in its inputs into the work of the treaty bodies to ensure it was fully reflected in their outputs, including in lists of issues, concluding observations, views and decisions and reports of SPT field visits. In 2014, the HRTD gender focal point assisted staff members from the Division to integrate gender issues in their performance appraisal documents and to this end, initiated the revision of internal guidelines, checklists and forms.
- ▶ The evaluation forms for the Voluntary Fund for Victims of Torture, the Voluntary Trust Fund on Contemporary Forms of Slavery and the Special Fund of the Optional Protocol to the Convention against Torture have been amended to include sections on the consultation and participation of women in the implementation of the funded projects.
- ▶ A section on gender integration was included in the Handbook for treaty body members and

in the manual on reporting to human rights treaty bodies. With the support of the Division's gender focal point, secretaries of the committees reviewed the relevant guidelines and checklists of their respective committees with a view to integrating a gender perspective.

### **Increased effectiveness in supporting human rights mechanisms (GMO 4)**

- ▶ OHCHR continued to use an online survey to solicit feedback from treaty body members and members of the humanitarian funds on the servicing and support it receives from OHCHR in relation to all human rights treaty body activities. OHCHR is using similar online surveys to get feedback from staff in order to generate statistical data that can be used to assess and enhance the synergies in the Office related to its work with the human rights mechanisms. In 2014, HRTD initiated the collection of statistics on its interactions with OHCHR field presences, geographic desk officers and United Nations Country Teams (UNCTs), which helped the Office evaluate the synergy between its divisions and its impact on the work of the treaty bodies.
- ▶ HRTD continued to publish quarterly newsletters that are available to all treaty body experts, special procedures mandate-holders, Member States, NHRIs, UN partners and civil society. HRTD also updated training materials and shared weekly updates with treaty body experts to ensure each committee was aware of the work being carried out by the other nine committees. Numerous stakeholders acknowledged the usefulness of these tools, which are essential to ensuring the efficiency and coherence of the treaty body system. Furthermore, HRTD organized regular meetings between the committee secretaries to stimulate the sharing of experiences and optimize support provided to the treaty bodies.
- ▶ In its resolution 68/268 on treaty body strengthening, the General Assembly decided to begin webcasting the public meetings of the treaty bodies, with the aim of enhancing their accessibility and visibility. The General Assembly requested that the Department of Public Information report on the feasibility of providing, in all official UN languages, live webcasts and video archives of the meetings. In this context, OHCHR worked with various entities, including the Department of Public Information, the Engineering Unit, the Department of Conference Services and the Procurement and Transportation Section of UNOG, to determine the specifications of the feasibility study. Several steps were then undertaken to identify a suitable company to carry out the study in 2015.

- ▶ In 2014, OHCHR managed the Special Fund of the Optional Protocol to the Convention against Torture, which supported seven projects in six of the seven eligible countries. The Voluntary Fund for Victims of Torture awarded a total of 264 projects in more than 90 countries. A number of emergency grants were allocated and implemented throughout the year, notably in Jordan, Lebanon and Mali. The Board of Trustees of the Fund devised, after a comprehensive stocktaking of the first three decades of the Fund's work, new policy orientations that would enable it to maintain a fair balance in terms of geographic distribution of projects and between projects focused on emergency and longer-term responses. In 2014, the Voluntary Trust Fund on Contemporary Forms of Slavery awarded 35 grants in 33 countries (12 projects in Asia, nine in Africa, four in Eastern Europe, five in Latin America and the Caribbean and five in the Western European and Others Group of countries). It also conducted a number of assessment missions to evaluate the work of first-time and ongoing grantees.

#### **Increased effectiveness in supporting field operations (GMO 5)**

- ▶ The Division's regional and thematic focal points regularly interacted with other parts of the Office to ensure the integration of a treaty body perspective across the organization, including in the context of country visits undertaken by the High Commissioner.
- ▶ The participation of field presences in the treaty body reporting process was enhanced through the submission of written inputs and the participation of field presences via videoconferencing or their physical presence at meetings when possible. HRTD requested as much information as possible from field presences to feed into the work of treaty bodies and engaged with them in the preparations for country reviews and the follow-up to recommendations.

#### **Improved awareness and understanding of and support to OHCHR's mission and programme by Member States and other stakeholders (GMO 7)**

- ▶ In 2014, increased awareness, understanding and visibility of the regular work of the treaty bodies among Member States, UN partners, NHRIs and civil society was ensured through the organization of more than 50 briefings on treaty bodies and



Estela de Carlotto, president of the Argentinian human rights organization Abuelas de Plaza de Mayo, attends a joint session of the Committee on the Rights of the Child and the Committee on Enforced Disappearances, October 2014.

the work of the Office. Furthermore, social media platforms, including Twitter and Facebook, were used to share the meeting summaries and concluding observations of the treaty bodies to ensure their recommendations were widely available and to contribute to their follow-up and implementation.

On 4 November 2014, the 30th anniversary of the Convention against Torture was celebrated at the Palais des Nations in Geneva. More than 100 representatives of States and NGOs attended the event, providing an important networking opportunity to many of the main stakeholders who are working on the fight against torture, including treaty body experts and special procedures mandate-holders. Participants highlighted the achievements that had been made over the past 30 years, while acknowledging the ongoing challenges being faced in the promotion of universal ratification and the implementation of the Convention. To this end, participants also stressed the urgent need to ensure qualitative legal and institutional reforms, refocus attention on accountability and institutional cultures and reinforce the role of civil society actors.

## Overview of treaties, committees and competences

Treaty body	No. of States Parties	No. of weeks in session annually	Periodicity of obligation to report	Reviews, reports and issues/recommendations to States Parties	Considers individual complaints	Conducts visits to countries	Urgent action procedure
<b>CESCR</b>	163	9	5 years	Articles 16-17 Number of reports examined in 2014: 18 Number of reports pending examination: 30	Optional Protocol Number of registered communications pending examination: 4	Article 11 Optional Protocol Confidential inquiries on systematic violations	No
<b>HR Committee</b>	168	13	3, 4 or 5 years as per the Committee's decision	Article 40 Number of reports examined in 2014: 18 Number of reports pending examination: 29	Optional Protocol Number of registered communications pending examination: 403	No	No
<b>CERD</b>	177	6	2 years Allows merging two reports into one. De facto periodicity of 4 years	Article 9 Number of reports examined in 2014: 15 Number of reports pending examination: 25	Article 14 Number of registered communications pending examination: 6	No	No
<b>CEDAW</b>	188	14	4 years	Article 18 Number of reports examined in 2014: 25 (including Hong Kong and Macau) Number of reports pending examination: 48	Optional Protocol Number of registered communications pending examination: 33	Articles 8-10 Optional Protocol Confidential inquiries on systematic violations	No
<b>CRC</b>	194 OP-CRC-AC: 159 OP-CRC-SC: 169	13	5 years	Article 44 Number of reports examined in 2014: 34 (including OP-CRC-AC and OP-CRC-SC reports) Number of reports pending examination: 78 (including OP-CRC-AC and OP-CRC-SC reports)	Optional Protocol (entered into force on 14 April 2014)	Articles 13-14 Optional Protocol Confidential inquiries on systematic violations (entered into force on 14 April 2014)	No
<b>CAT</b>	156	8	4 years	Article 19 Number of reports examined in 2014: 16 Number of reports pending examination: 23	Article 22 Number of registered communications pending examination: 161	Article 20 Confidential inquiries on systematic violations	No
<b>SPT</b>	76	3	N/A	N/A	N/A	Articles 11-16 Subcommittee visits places of deprivation of liberty and communicates its recommendations by confidential report (7 country visits)	No
<b>CMW</b>	47	3	5 years	Articles 73-74 Number of reports examined in 2014: 6 (including non-reporting State Parties) Number of reports pending examination: 1	Article 77 (not yet entered into force)	No	No

Treaty body	No. of States Parties	No. of weeks in session annually	Periodicity of obligation to report	Reviews, reports and issues/recommendations to States Parties	Considers individual complaints	Conducts visits to countries	Urgent action procedure
<b>CRPD</b>	151	7	4 years	Articles 35-36 Number of reports examined in 2014: 9 Number of reports pending examination: 51	Optional Protocol Number of registered communications pending examination: 18	Article 6 Optional Protocol Confidential inquiries on systematic violations	No
<b>CED</b>	44	4	As per Committee's decision	Article 29 Number of reports examined in 2014: 4 Number of reports pending examination: 9	Article 31 Number of registered communications pending examination: 1	Article 33 Visit on serious violations	Article 30 Urgent Actions being considered: 61