

# Human Rights Treaties Division

## Background

The human rights treaty bodies are independent committees that were established under the international human rights treaties. The treaty bodies are composed of experts, serving in their personal capacity, who are elected by States Parties. They monitor the implementation of human rights treaties through a reporting process that requires the periodic review of reports that are 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 and publish general comments/general recommendations and statements 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 are:

- ▶ 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)

In 2015, the number of treaty body experts totalled 172 (versus 125 in 2010 and 97 in 2000). In addition, the allocated meeting time of the treaty bodies was increased to 99 weeks (versus 72 weeks in 2010 and 56 weeks in 2000).

The recommendations issued by the treaty bodies are used in a wide variety of contexts in the work of the Office of the High Commissioner for Human Rights (OHCHR), including as background documentation for the Universal Periodic Review (UPR), as reference material for thematic research undertaken by OHCHR and to support the work of the special procedures and the activities of OHCHR field presences.

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

- ▶ 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 CAT.



Training activities organized by OHCHR in Samoa (October), Nauru (September) and Barbados (December) as part of the Treaty Body Capacity-Building Programme.

- ▶ 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.
- ▶ Managing the Treaty Body Capacity-Building Programme that was established by General Assembly resolution 68/268 of 9 April 2014.

In recent years, the size of the human rights treaty body system significantly expanded with the creation of four new treaty bodies (CMW, CRPD, SPT and CED) and three new procedures for individual complaints 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).

All of the monitoring bodies of the core human rights treaties 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 entered into force. In 2015, CESCR adopted its first “views” on an individual communication since its Optional Protocol entered into force in May 2013. The CRC is now receiving its first complaints under the third Optional Protocol on a Communications Procedure (OP-CRC-IC), which entered into force in April 2014. The urgent action procedure under the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which has been in force since December 2010, has faced a substantial increase in registered requests for urgent actions; from 50 in 2014 to over 200 in 2015. The number of registered individual communications to the treaty bodies has increased from 170 in 2013 to 250 in 2015.

As one of the outcomes of the treaty body strengthening process, the General Assembly adopted resolution 68/268 which granted 20 weeks of additional meeting time to the treaty bodies to enable them to review more State Party reports and individual petitions. Recognizing that many States Parties find it challenging to fulfil their multiple reporting obligations, the resolution also established a comprehensive capacity-building programme, led by HRTD, to promote the ratification of the human rights treaties and support States Parties in their timely reporting.

### Treaty bodies in figures

**9** core international human rights treaties

**10** treaty bodies

**51** new ratifications and accessions in 2015

**173** State Party reports considered in 2015

**147** reports received during the year and **251** reports pending consideration

Approximately **7,800** recommendations adopted annually

**99** weeks in session in 2015

**307** individual communications received in 2015, final decisions adopted on **183** communications and **787** communications pending consideration

**8** country visits by the Subcommittee on Prevention of Torture.

## Results

### Strengthening international human rights mechanisms

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

In 2015, there was a total of 51 new ratifications of or accessions to the human rights treaties. OHCHR worked to promote ratification and the withdrawal of reservations through various means, including by: celebrating special anniversaries, such as the 50th anniversaries of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and ICESCR; participating in the annual treaties event in September in New York; taking part in the Steering Committee of the Global Campaign for Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and regularly releasing updated information on the status of ratification of treaties and their optional protocols and of reservations to the treaties.

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





The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families meets to mark the 25th anniversary of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, September 2015.

As a result of technical assistance provided by OHCHR, Lesotho, Mauritius and Seychelles responded to the lists of issues prepared by CMW and the United Nations Country Team (UNCT) in Angola provided input to CESCR. In addition, State officials from a number of countries increased their knowledge of the human rights treaties through OHCHR training and other capacity-building activities that were conducted at the field level in Belgium, Chile, El Salvador, Gabon, the Gambia, Kazakhstan, Kyrgyzstan, Lao PDR, Liberia, Mauritania, Mauritius, Nauru, Rwanda, Sao Tomé and Príncipe, Saudi Arabia, Senegal, Tajikistan, the former Yugoslav Republic of Macedonia, Tonga and Vanuatu. Moreover, following two OHCHR training-of-trainers events in Samoa for the Pacific region and in Barbados for English-speaking Caribbean countries, State officials became trained trainers on treaty body reporting and undertook commitments to conduct their own trainings at the national and subregional levels in order to stimulate peer-to-peer learning and the exchange of good practices.

- ▶ *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)*

The CESCR adopted its first “views” on an individual communication and the CRC received its first complaints under its communications

procedure. The number of registered individual communications increased from 170 in 2013 to 307 in 2015 while the number of registered requests under CED’s urgent action procedure quadrupled from 50 in 2014 to 211 in 2015. At their annual meeting in Costa Rica, the Chairpersons of the 10 treaty bodies endorsed guidelines on preventing reprisals and enhancing protection for the individuals and groups who engage and cooperate with the treaty bodies. OHCHR encouraged the adoption of these guidelines which have been implemented by CAT, CED, CERD, CRPD and SPT. Both CAT and SPT established working groups on reprisals, CED appointed a rapporteur on reprisals and CEDAW is undertaking a study on how it will respond to the issue.

- ▶ *Advances in the progressive development of international and regional human rights law in areas relevant to the treaty bodies (EA 8)*

With the support of OHCHR, work proceeded on various general comments/general recommendations, including women’s access to justice (CEDAW); the right to life (Human Rights Committee); sexual and reproductive health and rights, just and favourable conditions of work and business in human rights (CESCR); children, media and social networking, parental responsibilities, children in street situations and the rights of adolescents (CRC). Additionally, OHCHR continued to analyze and reply to all

individual communications submitted under the different treaties (approximately 9,500 per year). It also ensured the adoption of final decisions in 183 cases, compared to 139 final decisions adopted in 2014.

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

During the 27th annual Meeting of Chairpersons of the Human Rights Treaty Bodies, that was held in Costa Rica, in June, treaty body experts met with representatives of the Inter-American Court of Human Rights and the Commissioners and Secretariat of the Inter-American Commission on Human Rights. The meeting was organized to explore further means of strengthening the cooperation between international and regional human rights mechanisms. One of the key outcomes was the formulation of a set of proposals for strengthened cooperation of the treaty bodies with the Inter-American Commission on Human Rights.

#### 25th anniversary of the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families

A number of activities took place to celebrate the 25th anniversary of the adoption of the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families. During the Committee's 23rd session, a half-day event was organized to mark the anniversary and discuss current challenges in protecting the human rights of migrant workers, including the irregular migration flows in the Mediterranean, migrant workers in the Gulf and undocumented children in the Americas. Another anniversary event took place in New York, on 30 September, at the Church Center. The event featured speakers, including OHCHR, who focused on the rights of migrant children and families in the context of international migration, in particular with respect to detention. Furthermore, ILO and OHCHR, along with other partners, organized a global competition, entitled Reporting Fairly on Labour Migration, to recognize exemplary media coverage in accurate reporting of labour migration issues. OHCHR also organized a social media campaign from 10 to 18 December which focused on key human rights issues affecting migrants in transit, at borders and upon arrival in conjunction with the International Detention Coalition. The campaign provided a platform for migrants, migrants' rights advocates, human rights experts and practitioners from around the world to share their support for migrants' rights.

## Global Management Outputs

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

- ▶ The HRTD gender focal point assisted staff members from the Division to integrate gender issues in their performance appraisal documents. As a result, the performance appraisal documents of all HRTD staff members now include the goals of ensuring the equal representation of women and men in all capacity-building activities and integrating a gender perspective in draft lists of issues, concluding observations, statements, briefing notes and talking points.
- ▶ Equal representation of women and men was ensured in most capacity-building activities undertaken by HRTD. For instance, at the training-of-trainers events for English-speaking Caribbean countries that took place in Barbados, there were four female trainers and one male trainer and 26 female and 12 male participants.

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

- ▶ In 2015, HRTD provided secretariat, logistical and substantive support to the 10 treaty bodies for the organization of 99 weeks of meetings, the consideration of 173 State Party reports, the drafting and adoption of approximately 7,800 recommendations and the adoption of final decisions on 183 communications.
- ▶ In line with General Assembly resolution 68/268 on treaty body strengthening, HRTD continued to provide live webcasts of treaty body meetings. The necessary equipment was procured at the end of the year and it will be installed in OHCHR's conference rooms in Geneva in 2016.
- ▶ In 2015, OHCHR supported the Special Fund of the Optional Protocol to the Convention against Torture, which provided financial assistance to seven projects. The funding is being used to contribute to a variety of initiatives, including the establishment and operationalization of National Preventive Mechanisms (NPMs) and the development of training and educational programmes on the monitoring of torture and investigation techniques. The Voluntary Fund for Victims of Torture awarded grants of US\$6.5 million to support the redress and rehabilitation of over 47,000 victims in more than 80 countries. It also extended immediate support through emergency grants for projects providing assistance in Burundi, Iraq, Jordan and Ukraine and to refugees in Hungary and Serbia. With the support of OHCHR, the Voluntary Trust Fund on Contemporary Forms of Slavery awarded grants





The Chair of the Committee on the Rights of Persons with Disabilities (centre) greets the representative of the Government of the Cook Islands at the occasion of the review of the country's initial report by the Committee.

to 44 projects in 35 countries, which helped approximately 10,000 victims to receive redress and access rehabilitation services after being freed from slavery.

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

- ▶ HRTD established the Treaty Body Capacity-Building Programme and 12 out of the 16 advertised positions were filled in 2015, including 10 which are based in OHCHR's regional presences. The main objective of the programme is to build the capacity of States Parties to implement their treaty obligations.

#### **OHCHR staff has the necessary competencies and skills to effectively implement the OHCHR programme (GMO 6)**

- ▶ Staff members integrating the Treaty Body Capacity-Building Programme increased their knowledge and skills on the work of the treaty bodies, became trained trainers and applied their newly acquired training and knowledge management techniques in approximately 40 activities carried out in 2015. Based on the early success of the programme, a concept note regarding a training tools package was approved. This will guide the development of a general manual on treaty body reporting, specific manuals on training and guidelines for trainers.

#### **50th anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination**

On 26 November, the Committee on the Elimination of Racial Discrimination held a day of celebration at Palais des Nations in Geneva to commemorate the 50th anniversary of the oldest international human rights treaty, the International Convention on the Elimination of All Forms of Racial Discrimination. The event enabled the Committee to substantively engage with States Parties and other stakeholders and take stock of the Convention's achievements, while also identifying current challenges that need to be addressed. It also stimulated thinking on how contemporary issues can be tackled, including those related to racism and xenophobia against migrants and asylum-seekers, the impact of populist politics and media and integrating the Sustainable Development Goals into the Committee's work.

A communications campaign was developed to mark the anniversary, which included the use of social media, the development of a short film on 50 years of fighting racism, the preparation of web stories, information graphics, postcards and a dedicated webpage.

## 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>	164	10	5 years	Articles 16-17 Number of reports examined in 2015: 17 Number of reports pending examination: 21	Optional Protocol Number of registered communications pending examination: 11	Article 11 Optional Protocol Confidential inquiries on systematic violations	No
<b>HR Committee</b>	168	14.7	3, 4 or 5 years as per the Committee's decision	Article 40 Number of reports examined in 2015: 20 Number of reports pending examination: 26	Optional Protocol Number of registered communications pending examination: 545	No	No
<b>CERD</b>	177	10	2 years Allows merging two reports into one De facto periodicity of 4 years	Article 9 Number of reports examined in 2015: 20 Number of reports pending examination: 18	Article 14 Number of registered communications pending examination: 4	No	No
<b>CEDAW</b>	189	15.3	4 years	Article 18 Number of reports examined in 2015: 27 Number of reports pending examination: 44	Optional Protocol Number of registered communications pending examination: 43	Articles 8-10 Optional Protocol Confidential inquiries on systematic violations	No
<b>CRC</b>	196 OP-CRC-AC: 162 OP-CRC-SC: 171	15	5 years	Article 44 Number of reports examined in 2015: 44 (including OP-CRC-AC and OP-CRC-SC reports) Number of reports pending examination: 56 (including OP-CRC-AC and OP-CRC-SC reports)	Optional Protocol Number of registered communications pending examination: 1	Articles 13-14 Optional Protocol Confidential inquiries on systematic violations (entered into force on 14 April 2014)	No
<b>CAT</b>	158	12	4 years	Article 19 Number of reports examined in 2015: 17 Number of reports pending examination: 19	Article 22 Number of registered communications pending examination: 156	Article 20 Confidential inquiries on systematic violations	No
<b>SPT</b>	80	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>	48	3.6	5 years	Articles 73-74 Number of reports examined in 2015: 7 (including non-reporting State Parties) Number of reports pending examination: 2	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>	161	8.5	4 years	Articles 35-36 Number of reports examined in 2015: 14 Number of reports pending examination: 52	Optional Protocol Number of registered communications pending examination: 26	Article 6 Optional Protocol Confidential inquiries on systematic violations	No
<b>CED</b>	51	4	As per Committee's decision	Article 29 Number of reports examined in 2015: 5 Number of reports pending examination: 13	Article 31 Number of registered communications pending examination: 1	Article 33 Visit on serious violations	Article 30 Urgent Actions being considered: 243