

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. These committees monitor the practical implementation of the human rights treaties through a reporting process that is based on the review of periodic reports that are submitted by the States Parties to each treaty. All of the core international human rights treaties are supplemented by optional protocols or contain optional provisions that empower 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 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, In-human 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 2016, 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 OHCHR, including as background documentation for the Universal Periodic Review (UPR), reference material for thematic research undertaken by the Office 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 the



Regional event organized in Samoa by NOLA (an NGO working for the rights of persons with disabilities in Samoa), the Ministry of Women, Community and Social Development and OHCHR, to promote the ratification of the Convention on the Rights of Persons with Disabilities. © NOLA

- 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.
 - ▶ 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 expanded significantly 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).

As noted above, all 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. The number of registered individual communications to the treaty bodies increased from 170 in 2013 to 314 in 2016. 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 350 as of the end of 2016.

As one of the outcomes of the treaty body strengthening process, the General Assembly adopted reso-

lution 68/268 which, among other measures, granted the treaty bodies an additional 20 weeks of meeting time, thereby enabling them to review more State Party reports and examine more individual communications. The resolution also established a comprehensive capacity-building programme, led by HRTD, to support States Parties in their timely reporting to the treaty bodies.

Treaty bodies in figures

9 core international human rights treaties

10 treaty bodies

44 new ratifications and accessions

168 State Party reports considered in 2016

138 reports received during the year and

278 reports pending consideration

Approximately **7,800** recommendations adopted annually

314 individual communications registered for consideration and **1,215** individual communications pending consideration as of the end of the year

Final decisions adopted on **186** communications. In addition, **350** registered requests for urgent actions under CED

99 weeks in session in 2016

10 country visits by the Subcommittee on Prevention of Torture

The Treaty Body Strengthening Process

In August, the Secretary-General issued his first biennial report on the status of the treaty body system (A/71/118 + 20 statistical annexes), which demonstrates that the measures undertaken in accordance with resolution 68/268 have enabled the treaty body system to remain operational as some of the most pressing difficulties have been addressed by the General Assembly. The report assesses the implementation of and follow-up to resolution 68/268 as globally positive, but suggests that the linear growth of the treaty body system cannot be sustained. In response to the report, the General Assembly adopted, by consensus, a resolution reinforcing the argument that the treaty bodies should

be regarded as a comprehensive system when it comes to procedural and managerial matters. In another positive development, the Fifth Committee of the General Assembly approved the outline of the Secretary-General's biennium programme budget for 2018-2019. The programme budget includes additional resource needs based on the mathematical meeting time formula defined in resolution 68/268. Concretely, this means that the additional resource needs arising from changes in the meeting time, which in turn stem from changes in the workload of the treaty bodies, have been considered admissible for further discussion and decision by the General Assembly in 2017.

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 2016, a total of 44 new ratifications of or accessions to the human rights treaties were deposited with the Secretary-General. OHCHR worked to promote ratification and the withdrawal of reservations through various means, including by celebrating special anniversaries. For instance, together with the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, OHCHR led a year-long commemoration of the 50th anniversary of the two Covenants. This campaign focused on raising awareness of these treaties among a wider audience, in particular children and youth, and included the production of an easy-to-read version of the Covenants, fact sheets, a promotional leaflet entitled “Rights in Your Pocket”, a poster competition, videos on the impact of the work of the Committees, a photo exhibition and the development of a website about the Covenants. In addition, commemorative events were held during the plenary sessions of the General Assembly and the Human Rights Council on 19 October and 5 March, respectively. In addition the two Committees held a joint meeting on 23 June with a view to reinforcing their cooperation in the future. On the occasion of the 10th anniversary of the CRPD, a series of activities were held in New York and Geneva, in parallel to regional consultations that took place across regions.

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

In 2016, States took concrete steps to follow up on recommendations issued by the treaty bodies. For example, Lebanon’s Parliament passed, in October, a law establishing a national human rights institution and designated it as the National Preventive Mechanism (NPM). This brought Lebanon into compliance with its obligation under the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) to set up an independent national mechanism to prevent torture, including through regular visits to the country’s detention centres to examine the treatment of detainees. The legislation was enacted following an inquiry that was undertaken by CAT, in 2014, which recommended that Lebanon establish a national human rights institution in compliance with the Paris Principles. The Government of Angola followed up on concluding observations issued by the Human Rights Committee and adopted Presidential

Decree 80/13 and Executive Decree 309/1 on free birth registration and the issuing of free identification cards for all children and adults.

In addition, State officials from approximately 50 countries increased their knowledge and skills on the human rights treaties and the reporting process as a result of activities conducted by OHCHR through the Treaty Body Capacity-Building Programme. Trained State officials committed to applying their new skills by replicating the training activities at the national level and assisting OHCHR in other subregional training activities to stimulate peer-to-peer learning and exchanges of good practices.

“In follow-up to OHCHR’s training-of-trainers in Barbados, I have conducted several training sessions with my federal, provincial and territorial colleagues responsible for human rights reporting based on all the useful training material you shared with me and the training techniques I learned. This included a mock session in preparation for our delegation before our review by CEDAW in October 2016 but also general training on treaty reporting to familiarize several ministries with the process. Colleagues very much appreciated increasing their knowledge in this regard. Thank you so much for all your support.”

Ms. Lily Pol Neveu, Coordinator of human rights and indigenous affairs, International Organizations and Global Affairs Division, Québec, Canada

► *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 number of registered individual communications increased from 170 in 2013 to 314 in 2016. The total number of registered requests under CED’s urgent action procedure rose from 51 in 2014 to over 350 in 2016. In response, OHCHR supported initiatives that were undertaken by all of the human rights treaty bodies to address reprisals against individuals cooperating or seeking to cooperate with the treaty bodies. As of the end of 2016, all committees had taken action in this regard, including by establishing working groups or focal points on reprisals. CEDAW is currently studying 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 draft general comments/general recommendations, including in relation to the rights to inclusive education (CRPD); disaster risk reduction and the rights of women (CEDAW); the rights of children and migration (CMW and CRC); public expenditure (CRC); violence against women (update of general

Good practices to achieve a “virtuous cycle for human rights progress”

For States, more active engagement in the human rights process, including through the ratification and implementation of treaties, results in greater protection for its people. With the constant growth of the human rights protection system, States are also faced with increasing requirements related to the implementation of treaties and the associated reporting process, as well as following up on numerous recommendations issued by the international human rights mechanisms.

Two new OHCHR publications aim to provide States with tools and suggestions on how to handle these multiple tasks while maintaining strong communication lines with civil society. The Practical Guide to Effective State Engagement with International Human Rights Mechanisms and its accompanying Study Guide outline good practices of States that have created central structures known as National Mechanisms for Reporting and Follow-Up (NMRFs). These mechanisms coordinate among the various government ministries, specialized institutions, national parliaments and the judiciary and initiate

consultations with civil society and national human rights institutions.

As noted by the High Commissioner for Human Rights in the foreword of the publications, the NMRFs help to ensure that ownership of the human rights process is nationally built, that human rights expertise is enhanced and that communication is strengthened between the various human rights stakeholders working at the country level.

“Through such institutionalized contacts, the voices of victims and their representatives will also increasingly be heard,” he said. “National mechanisms for reporting and follow-up would furthermore enhance the coherence and impact of each State’s human rights diplomacy.”

NMRFs therefore have the potential to become one of the key components of the national human rights protection system, including by facilitating the practical realization of international and regional human rights norms and law at the national level.

Committee on Enforced Disappearances clarifies the fate of the disappeared and helps to locate the victims

Under article 30 of the ICPPED, the Committee on Enforced Disappearances has the competence to receive and consider requests for urgent action to ensure that a State Party takes, as a matter of urgency, all necessary measures to seek and find a disappeared person.

The number of urgent actions registered by CED has increased exponentially from five cases in 2012 and in 2013, respectively, to 51 in 2014, 211 in 2015 and 86 in 2016. In the majority of registered urgent actions, the procedure helped family members, relatives or repre-

sentatives of the disappeared person(s) to gain access to previously inaccessible information about a search. The procedure also enabled them to transmit their concerns to the Committee and request a response, in compliance with its mandate. In 2016, six disappeared people, who were the subjects of urgent action requests, were located alive, including five in Mexico and one in Iraq. In all of these cases, the authors of the requests for urgent action emphasized that the procedure had provided them with essential support in their daily fight to locate their disappeared loved ones.

recommendation 19) (CEDAW); and the right to just and favourable conditions at work and on the right to sexual and reproductive health (CESCR). Additionally, OHCHR continued to analyze and reply to all individual communications submitted under the different treaties (approximately 9,500 per year) and ensured the adoption of final decisions in 186 cases.

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

To support the work of National Mechanism for Reporting and Follow-up (NMRFs) and a more coherent implementation of recommendations issued by the international human rights mechanisms,

work continued on upgrading the Universal Human Rights Index. This tool has become useful for all relevant stakeholders in the preparation of their reports and in relation to follow-up on treaty body recommendations and thematic issues. During the 28th annual Meeting of Chairpersons of the Human Rights Treaty Bodies, held in New York, treaty body experts held discussions with representatives of the Inter-American Court of Human Rights and the Secretariat and Commissioners of the Inter-American Commission on Human Rights in order to explore various means to further strengthen cooperation between international and regional human rights mechanisms.

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 into their performance appraisal documents. As a result, the performance appraisal documents of all HRTD staff members now include the goals of integrating a gender perspective into draft lists of issues, concluding observations, statements, briefing notes and talking points and of ensuring the equal representation of women and men in all capacity-building activities.
- ▶ Equal representation of women and men was ensured in most capacity-building activities undertaken by HRTD.

Increased effectiveness in supporting human rights mechanisms (GMO 4)

- ▶ In 2016, HRTD provided secretariat, logistical and substantive support to the 10 treaty bodies for the organization of 99 weeks of meetings, the consideration of 168 State Party reports, the drafting and adoption of approximately 7,800 recommendations and the adoption of final decisions on 186 communications. In August, the Secretary-General issued his first report on the status of the treaty body system (A/71/118 and 20 statistical annexes), which

notes that the measures undertaken in accordance with resolution 68/268 have enabled the treaty body system to remain effective by addressing some of its most pressing challenges. The report assesses the implementation of and follow-up to resolution 68/268 as globally positive, but stresses that the linear growth of the treaty body system is unsustainable.

- ▶ In line with General Assembly resolution 68/268 on treaty body strengthening, the HRTD started to provide live webcasts of treaty body meetings. Since July, through a pilot project that is being supported by extrabudgetary funding, OHCHR and the Department of Public Information, have been facilitating the broadcast of live and archived webcasts of all public meetings of the treaty bodies. As of June, webcast equipment has been operational in the two meeting rooms at OHCHR's headquarters, in Geneva.
- ▶ OHCHR supported the Special Fund of the OP-CAT, which provided financial assistance to eight projects focused on implementing the recommendations issued by the Subcommittee against Torture in seven eligible States. The funding will be used to contribute to a variety of initiatives, including the establishment and operationalization of NPMs and the development of training and educational programmes on the monitoring of torture and investigation techniques. With OHCHR's support, the Voluntary Fund for Victims of Torture awarded

Peru compensates woman in historic abortion case

In 2001, a 17-year-old Peruvian adolescent, named K.L., was 14 weeks pregnant when doctors at the public hospital in Lima diagnosed the foetus with anencephaly - a fatal birth defect in which the foetus lacks most or all of the forebrain and parts of the skull. Doctors recommended that she have an abortion on the grounds that continuing the pregnancy would put her life and health at risk. Abortion was legal in Peru for such reasons, but the hospital refused to carry out the termination, arguing that the State had not outlined clear regulations regarding the procedure. Consequently, K.L. was forced to carry the pregnancy to full term and breastfed the baby for the four days that it lived. The decision resulted in ongoing serious mental and physical consequences for the young woman.

A complaint was filed with the Human Rights Committee, which stated that by denying K.L. access to a legal medical procedure her human rights had been violated. In 2015, the Committee agreed and recommended that Peru pay compensation to K.L.

Ten years later, in 2016, the Peruvian government finally agreed to pay the recommended compensation. The Committee's decision marked the first time that a UN human rights treaty body had held a government accountable for failing to ensure access to legal abortion services. The victim had to wait for a decade to obtain compensation, however, it is critical that the recognition of harm done to her was formally acknowledged.

K.L.'s case was brought to the Committee with the assistance of the Centre for Reproductive Rights, the Latin American and Caribbean Committee for the Defence of Women's Rights and the Counselling Centre for the Defence of Women's Rights. Shortly after the agreement was reached with Peru, a press release was issued, in December. In the release, Nancy Northrup, Chief Executive Officer of the Centre for Reproductive Rights said that while the decision to compensate K.L. was important, much more needs to be done regarding access to reproductive health services.



Training on reporting to the treaty bodies for the Government of the Solomon Islands. © OHCHR



grants 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 that are providing assistance in Burundi, Iraq, Jordan and Ukraine and to refugees in Hungary and Serbia. Moreover, the Voluntary Trust Fund on Contemporary Forms of Slavery awarded grants to 42 projects in 34 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)

► Under the Treaty Body Capacity-Building Programme, all positions within the team spearheading the Programme were filled, with the exception of two that are under recruitment. Since the team's establishment, work processes were developed and are now running smoothly at 11 duty stations in all regions of the world. As of the end of 2016, mem-

bers of the team have engaged in approximately 80 activities, including by supporting OHCHR's work in the field to provide technical assistance to National Mechanisms for Reporting and Follow-up and by providing much needed training materials and methodology on treaty reporting and individual communications.

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 related to the human rights treaty bodies, became trained trainers and acquired training and knowledge management techniques. Based on the success of the Programme, a concept note regarding a training tools package was approved, which will guide the development of a general manual on treaty body reporting, specific manuals on training and guidelines for trainers.

Vanuatu: translating human rights standards into actions

Engaging with the United Nations human rights mechanisms can be a daunting task. There are many requirements and the sheer scale of the reporting process and the number of information sources that are available to UN experts can make going before a committee a difficult and stressful exercise.

This could have been the case with Vanuatu. In 2016, the Small Island State was scheduled to present a report to the Committee on the Elimination of Discrimination against Women (CEDAW) on the progress it has made and the challenges it has faced in improving the rights of women under the CEDAW Convention. In the past, the delegation was unaware of the depth and breadth of information that the Committee would draw upon in order to determine to what extent the country was upholding its human rights obligations in relation to women.

But this time, as was noted by Jenny Tevi, acting head of the Treaties and Conventions Division of the Vanuatu Department of Foreign Affairs, the delegation would be ready. “Our delegation felt well prepared and able to give updated information beyond what we had already submitted in writing, to ensure our responses fully satisfied the experts,” she said.

Tevi, along with 10 other State officials, took part in a training on how to effectively engage with UN expert committees. The training was organized by the OHCHR Regional Office for the Pacific Region, along with UN Women and the Secretariat of the Pacific Community. It

was held a few weeks before Vanuatu was to meet with the CEDAW Committee.

The training was aimed at preparing government officials to better handle the interactive dialogue with CEDAW experts. Every four years, Vanuatu, as one of the 189 countries that has ratified CEDAW, must demonstrate to the Committee what steps it has taken to improve the situation of women in the country. In the training, officials learned about the international standards on women’s human rights and were shown how to translate those standards into tangible action.

The training helped the Vanuatu delegation impress during their CEDAW review session in February. After the review, Committee member Barbara Bailey said that the delegation was in total control when responding to the questions posed by the Committee during the interactive dialogue. Bailey, who was a resource person in a similar training programme, said the answers to questions posed by experts were candid and frank and, in instances where information was not readily available, the delegation was open and receptive to advice on what more needed to be done.

“The performance of the delegation was stellar,” she said. “The dialogue was refreshing and useful on both sides of the table. It is rewarding to see that capacity-building undertaken by OHCHR and UN Women can contribute to such a result and we look forward to future delegations following suit and taking their engagement with the expert committees as seriously.”

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
CESCR	164	10	5 years	Articles 16-17 Number of reports examined in 2016: 17 Number of reports pending examination: 14	Optional Protocol Number of registered communications pending examination: 10	Article 11 Optional Protocol Confidential inquiries on systematic violations	No
HR Committee	168	14.7	3, 4 or 5 years as per the Committee's decision	Article 40 Number of reports examined in 2016: 21 Number of reports pending examination: 20	Optional Protocol Number of registered communications pending examination: 645	No	No
CERD	177	10	2 years Allows the merging of two reports into one. De facto periodicity of 4 years	Article 9 Number of reports examined in 2016: 20 Number of reports pending examination: 27	Article 14 Number of registered communications pending examination: 5	No	No
CEDAW	189	15.3	4 years	Article 18 Number of reports examined in 2016: 27 Number of reports pending examination: 38	Optional Protocol Number of registered communications pending examination: 43	Articles 8-10 Optional Protocol Confidential inquiries on systematic violations	No
CRC	196 OP-CRC-AC: 166 OP-CRC-SC: 173 OP-CRC-IC: 29	15	5 years	Article 44 Number of reports examined in 2016: 36 (including OP-CRC-AC and OP-CRC-SC reports) Number of reports pending examination: 96 (including OP-CRC-AC and OP-CRC-SC reports)	Optional Protocol Number of registered communications pending examination: 6	Articles 13-14 Optional Protocol Confidential inquiries on systematic violations (entered into force on 14 April 2014)	No
CAT	160	11.5	4 years	Article 19 Number of reports examined in 2016: 17 Number of reports pending examination: 26	Article 22 Number of registered communications pending examination: 170	Article 20 Confidential inquiries on systematic violations	No
SPT	83	3	N/A	N/A	N/A	Articles 11-16 Subcommittee visits places of deprivation of liberty and communicates its recommendations by confidential report	No
CMW	49	3.6	5 years	Articles 73-74 Number of reports examined in 2016: 8 (including non-reporting States 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
CRPD	172	8.5	4 years	Articles 35-36 Number of reports examined in 2016: 14 Number of reports pending examination: 52	Optional Protocol Number of registered communications pending examination: 27	Article 6 Optional Protocol Confidential inquiries on systematic violations	No
CED	54	4	As per Committee's decision	Article 29 Number of reports examined in 2016: 5 Number of reports pending examination: 16	Article 31 Number of registered communications pending examination: 0	Article 33 Visit on serious violations	Article 30 Urgent Actions being considered: 327 under active consideration