

Human Rights Treaties Division

Background

The human rights treaty bodies are independent committees 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 implementation of the human rights treaties through a reporting process that is based on the review of periodic reports 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, 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 2017, the number of treaty body experts totalled 172 (versus 125 in 2010 and 97 in 2000). In addition,



OHCHR training of trainers on reporting to the human rights treaty bodies for civil servants from West Africa, September 2017.
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the allocated meeting time of the treaty bodies was 93 weeks (versus 72 weeks in 2010 and 56 weeks in 2000).

The treaty bodies, as part of the international human rights mechanisms, form the backbone of OHCHR's work. Their analysis, investigative work, monitoring and interaction with States and a wide array of stakeholders help to amplify opportunities and identify weaknesses and gaps in relation to all human rights. 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 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).
- ▶ 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 human rights treaty body system expanded significantly with the creation of four new treaty bodies (Committee on Migrant Workers, Committee on the Rights of Persons with Disabilities, Subcommittee on Prevention of Torture, Committee on Enforced Disappearances) 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 around 300 at the end of 2017. 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 440 as of the end of 2017.

As one of the outcomes of the treaty body strengthening process, the General Assembly adopted resolution 68/268 which, among other actions, granted the treaty bodies an additional 20 weeks of meeting time to enable them to review more State Party reports and individual petitions. 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.

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 2017, a total of 42 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

Treaty bodies in figures

9 core international human rights treaties

10 treaty bodies

42 new ratifications and accessions

158 State Party reports considered in 2017

118 reports received during the year and

230 reports pending consideration

Approximately **7,500** recommendations adopted annually

Over **300** individual communications registered for consideration and final decisions adopted on **221** communications

Over **440** registered requests for urgent actions under CED

93 weeks in session in 2017

10 country visits by the Subcommittee on Prevention of Torture

through various means, including the Treaty Body Capacity-Building Programme, which was established following the adoption of General Assembly resolution 68/268.

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

Member States took concrete steps to follow up on recommendations issued by the treaty bodies and OHCHR supported them in their efforts. Through the Treaty Body Capacity-Building Programme, State officials from approximately 70 countries received training on the human rights treaties and the reporting process. 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. To underpin these capacity-building efforts, OHCHR launched a Training Manual on Reporting to the Treaty Bodies and an accompanying Facilitators Guide. Support was also provided for the establishment and effective functioning of National Mechanisms for Reporting and Follow-up (NMRFs) in order to institutionalize interministerial structures and processes on engagement with the international human rights mechanisms and to facilitate the coherent implementation of their recommendations. For instance, the State of Palestine created an interministerial committee charged with coordinating the

implementation of its international human rights obligations. In April, the Government of Tajikistan adopted new regulations in relation to its NMRF, which contributed to expanding the participation of civil society and promoting the increased coordination of relevant State bodies in the implementation of international human rights obligations. In order to facilitate the coherent implementation of all human rights recommendations, work continued on upgrading the Universal Human Rights Index, which compiles all of the recommendations issued by the UPR, the special procedures and the treaty bodies. The tool has been enhanced in its design and search options and is now capable of matching recommendations with the Sustainable Development Goals (SDGs).

- ▶ *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 over 300 in 2017. The number of registered requests under CED's urgent action procedure rose from 50 in 2014 to over 440 in 2017. 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 2017, all of the committees had taken action in this regard, including by establishing working groups or focal points on reprisals.

- ▶ *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. In 2017, seven new general comments and recommendations were adopted in relation to: gender-based violence against women (CEDAW); the rights of girls and women to education (CEDAW); State obligations in the context of business activities (CESCR); children in street situations (CRC); the rights of children in the context of international migration (CRC and CMW); and the right to live independently and within the community (CPRD). Additionally, OHCHR continued to analyse and reply to all individual communications submitted under the different treaties (approximately 9,500 per year) and ensured the adoption of final decisions in 221 cases.

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

At their twenty-ninth annual meeting, the Chairpersons of the Human Rights Treaty Bodies considered the following matters: late and non-reporting by States Parties; implementation of the Addis Ababa Guidelines on the independence and impartiality of

treaty body members; implementation of the San José Guidelines against intimidation or reprisals; engagement of national human rights institutions (NHRIs) with the treaty bodies; and follow-up by the treaty body system to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the treaty body system. The Chairpersons adopted, inter alia, recommendations to: inform the General Assembly of overdue reports to the treaty bodies, with a request to add an item on this subject to the agenda of the General Assembly; adhere to agreed parameters when engaging in the strengthening and enhancing of the effective functioning of the human rights treaty body system; strengthen a common treaty body approach to engagement with NHRIs; closely follow the accountability framework for the implementation by States of the commitments made in the context of the 2030 Agenda for Sustainable Development; and ensure that OHCHR has the necessary human and material resources to enable the treaty bodies to perform their work. In particular, they stressed that further growth in the workload of the system cannot be absorbed by existing resources.

Integrating human rights in development and the economic sphere

- ▶ *Global, regional, and national actors increasingly integrate international human rights principles and standards, including the right to development, into their development, finance, trade and investment policies (EA 10)*

Many States are discussing and adopting national strategies on the SDGs, as well as the mechanisms



The Chairperson of the Committee on Enforced Disappearances addresses the General Assembly high-level meeting to commemorate the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, February 2017. © UN Photo/Eskinder Debebe

Treaty bodies provide access to justice for victims with disabilities

After a long battle to seek redress through the national legal system, Mr. X, a person with albinism, brought an individual complaint against Tanzania to the Committee on the Rights of Persons with Disabilities and obtained redress. In 2010, the complainant was fetching firewood when two men attacked him and hacked off half of his left arm. A man was arrested but as Mr. X did not recognize the accused as one of his aggressors the investigation was stopped. Mr. X wanted to initiate a civil claim before the High Court but since he had no means to reach the Court, it was impossible for him to plead his case. Consequently, Mr. X filed his complaint with the CRPD, in June 2014, contending that his attack took place in the context of targeted violence against people with albinism in Tanzania and that the State had violated his rights under the CRPD because authorities failed to take measures to protect him and provide him with an effective remedy. In 2017, the Com-

mittee concluded that Mr. X had been a victim of a direct discrimination based on his disability, in violation of article 5 of the Convention. It further pointed out that States Parties have an obligation to prevent and punish torture and inhuman and degrading treatment committed by State and non-State actors and that such cases must be quickly and effectively addressed. The Committee concluded that the failure by the State to investigate the case and prosecute the suspected perpetrators resulted in the re-victimization of the author, who endured psychological ill-treatment and a violation of his physical integrity. The Committee requested that Tanzania provide Mr. X with an effective remedy, including compensation and the support needed to enable him to live independently. The Committee also called on Tanzania to conduct an impartial, speedy and effective investigation and to prosecute the perpetrators of the attack.

or processes for their implementation and follow-up. At the same time, some States have already established NMRFs to follow up on recommendations issued by the international human rights mechanisms. By engaging with States, OHCHR can capitalize on this momentum to encourage synergies and linkages between the various follow-up and reporting mechanisms, procedures and processes for SDGs and human rights to ensure meaningful participation by rights-holders. Identifying linkages and building synergies can help States to reduce their reporting burdens, while ensuring more coherence in implementation plans. Moreover, OHCHR sought to strengthen the link between the work of the mechanisms and the actions that are required at the country level, inter alia, by building new and enhanced partnerships with the UN system and other stakeholders, making better use of key entry points for engagement and implementation, such as the UPR, the SDGs and the Secretary-General's prevention agenda, and by providing tailor-made tools to support efforts to implement the recommendations of the international human rights mechanisms.

In addition, OHCHR co-organized two retreats for the resident coordinators in the Americas and the Caribbean (23-24 November 2017 in Santiago) and the Arab region (7-8 December 2017 in Beirut), to enable participants to discuss the opportunities and challenges facing United Nations development agencies in the area of human rights, explore the synergies between the SDGs and human rights agendas in those regions and outline recommendations relating to the role of resident coordinators and United Nations Country Teams (UNCTs) in the years ahead.

Global Management Outputs

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

- ▶ 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 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 2017, HRTD provided secretariat, logistical and substantive support to the 10 treaty bodies for the organization of 93 weeks of meetings, the consideration of 158 State Party reports, the drafting and adoption of approximately 7,500 recommendations and the adoption of final decisions on 221 communications. The Secretary-General issued his first report on the status of the human rights treaty body system in 2016 (A/71/118 and 20 statistical annexes). The report notes that the measures undertaken in accordance with resolution 68/268 have so far enabled the treaty body system to remain effective by addressing some of its most pressing short-term challenges but stresses that the linear growth of the treaty body system is unsustainable. The report includes a request for additional resources in concordance with the increased submission of State Party reports and



A delegate to the tenth session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, New York, June 2017. © UN Photo/Kim Haughton

individual communications. At its seventy-second session, the General Assembly decided to support five temporary positions rather than the 11 posts requested by the Secretary-General in his report.

- ▶ In line with General Assembly resolution 68/268 on treaty body strengthening, HRTD continued to provide live webcasts of treaty body meetings. In 2017, though a pilot project that started in 2016, OHCHR and the Department of Public Information facilitated the broadcast of live and archived webcasts of all public meetings of the treaty bodies (158 public re-

views) that were held in 2017. Webcast equipment is operational in the two meeting rooms at OHCHR's Geneva headquarters.

- ▶ In 2017, the Special Fund of the OP-CAT issued a call for applications for projects to be implemented in 2018. With OHCHR's support, the Voluntary Fund for Victims of Torture awarded grants to support redress and rehabilitation for over 45,000 victims in more than 75 countries. It also extended immediate support through emergency grants for projects that are providing assistance in Argentina, France, Italy, Libya, the Russian Federation and Senegal.

Increased effectiveness in supporting field operations (GMO 5)

- ▶ Since the establishment of the Treaty Body Capacity-Building Programme, teams and work processes have been developed and are now running smoothly at 11 duty stations in all regions of the world. As of the end of 2017, members of the team have engaged in approximately 80 activities, including by supporting OHCHR's work in the field to offer technical assistance to NMRFs and providing 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)

- ▶ As a result of targeted training sessions, staff members from the Treaty Body Capacity-Building Programme increased their knowledge and skills related to the human rights treaty bodies, especially CRPD. They received a basic introduction to the work around human rights indicators, increased their understanding of the nuances of action plans for the implementation of the recommendations issued by international human rights mechanisms, and are able to apply human rights training and knowledge management techniques.

Humanitarian funds help in the fight against female genital mutilation

Soumayya's mother died after giving birth to her due to health complications resulting from female genital mutilation (FGM). Her father refused to have the practice inflicted on Soumayya and her sisters but after his death, she was told that she must be circumcised in order to be married. She refused and instead began a women's organization to advocate an end to this practice through community education and protests. In 2012, as a result of these activities, Soumayya was arrested and sent to jail. During her imprisonment, Soumayya was physically abused and raped multiple times and became pregnant. She was then accused of prostitution and sentenced to

beatings by stick, resulting in the death of the foetus. She was brought to a clinic for treatment from which she managed to escape. She reached Belgium in 2013 and was brought to a humanitarian assistance NGO that receives support from the UN Voluntary Fund for Victims of Torture. The NGO provided immigration authorities with a medical affidavit to support her asylum request. It was thanks to their support that she was able to speak for the first time about the violence and abuse suffered. Soumayya has now started another NGO to provide support to women who are suffering from infections and other health complications as a result of female circumcision.

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	166	10	5 years	Articles 16-17 Number of reports examined in 2017: 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	169	14.4	3, 4 or 5 years as per the Committee's decision	Article 40 Number of reports examined in 2017: 21 Number of reports pending examination: 20	Optional Protocol Number of registered communications pending examination: 645	No	No
CERD	179	9.6	2 years Allows the merging of two reports into one. De facto periodicity of 4 years	Article 9 Number of reports examined in 2017: 20 Number of reports pending examination: 27	Article 14 Number of registered communications pending examination: 5	No	No
CEDAW	189	16.2	4 years	Article 18 Number of reports examined in 2017: 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: 167 OP-CRC-SC: 174 OP-CRC-IC: 37	12.6	5 years	Article 44 Number of reports examined in 2017: 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	162	11.2	4 years	Article 19 Number of reports examined in 2017: 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	87	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	51	3.4	5 years	Articles 73-74 Number of reports examined in 2017: 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	175	8.5	4 years	Articles 35-36 Number of reports examined in 2017: 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	58	4	As per Committee's decision	Article 29 Number of reports examined in 2017: 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