

# Resources in support of the human rights treaty body system, 11 May 2011

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## **Executive Summary**

The Office of the High Commissioner for Human Rights (OHCHR) is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management (DCM) of the United Nations Office in Geneva (UNOG) provides conference services to the treaty bodies, as well as to other clients. Of the Secretariat resources supporting the treaty body system the most expensive elements are conference servicing, in particular documentation. Changes to working methods, for example reducing the number of working languages, would result in significant cost savings (see DCM paper for further details on conference servicing support to the treaty body system).

Support provided by OHCHR to the treaty bodies in general is drawn from two sources: the regular budget (74.3%) and voluntary contributions from donors (25.7%).

In 2010, of the total amount (RB and XB) available to the treaty bodies through OHCHR, 28.5% covered the travel of treaty body experts to treaty body sessions. The remaining 71.5% went to the Human Rights Treaties Division (HRTD) for its staff to support the work of the treaty bodies. Concerning the travel of experts, the budget increased from \$ 4,323.9 million for the biennium 2000-2001 to \$ 10,746.5 million for the biennium 2010-2011, in respect of the increase from 74 experts in 2000 to 172 experts in 2011.

As to the staff, while the budget for staff also almost tripled over the same period of time, current numbers in staffing still do not match workloads. An analysis conducted in 2010 found that three interdependent factors are at the heart of the work process difficulties in HRTD: volume, alignment, and strategy. While OHCHR is gradually addressing the issues of alignment and strategy, addressing the 'volume' remains the main challenge and the Secretariat in its current strength cannot cope with the sheer volume of work. Also, nearly one third of treaty body staff is funded from voluntary contributions, whereby the staff is undertaking core activities which should be funded from the regular budget. Member State support in obtaining additional resources from the regular budget would consequently be useful.

In addition, in the current restrictive budgetary climate, it has not been possible to fully present the needs of the treaty body system including those of conference services, due to competing demands. Nevertheless, such a review is clearly needed. Requests from Member States for such a review would also be helpful.

## **A. Introduction**

The Office of the High Commissioner for Human Rights (OHCHR) is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties so as to assist States parties to those treaties to fulfil their human rights obligations and to provide avenues for individuals to raise complaints on violations of treaty obligations. OHCHR supports nine treaty bodies: the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee (HRCCommittee), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee against Torture (CAT), the Subcommittee on the Prevention of Torture (SPT), the Committee on Migrant Workers (CMW), and the Committee on the Rights of Persons with Disabilities (CRPD). A tenth human rights treaty body will begin its work in 2011, as the International Convention for the Protection of All Persons from Enforced Disappearance has entered into force in December 2010.

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Under the existing individual complaints procedures (ICCPR, CAT, CERD, CEDAW, CRPD and ICPED) around 120 decisions are issued annually. In addition, an optional protocol for the CESCR on individual communications is expected to enter into force shortly and an optional protocol on individual communications to the CRC is in the making.

The Human Rights Treaties Division (HRTD) is the Division of OHCHR with lead responsibility for supporting the work of the treaty bodies. Over the past five years HRTD has experienced large growth in the scope and operational requirements of its work with the expansion of human rights treaties and protocols as well as corresponding monitoring mechanisms, and progressive development of existing law through treaty body decisions on individual cases, concluding observations on States' legislation and policies, as well as the elaboration of general comments.

The Division of Conference Management (DCM) is the entity responsible for providing conference services to the treaty bodies. The majority of resources provided to the treaty bodies relates to the provision of conference services (*see separate paper prepared by DCM for further details*).

## B. Current budgetary support

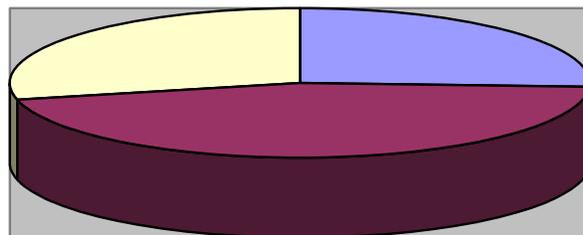
Budgetary support to the treaty bodies is provided by OHCHR and the Division of Conference Management (see separate paper).

### I. General information

In 2010, support provided by OHCHR to the **treaty bodies** is drawn from two sources: the **regular budget** (74.3%) and voluntary contributions **from donors** (25.7%).

28.5% of the total amount (\$ 5.373.3 million) covered the **travel of treaty body experts** to treaty body sessions and 71.5% went to **OHCHR/HRTD** (\$13,482.9 million), mainly the staff to support the work of the treaty bodies.

If one only looks at the funds made available to **OHCHR/HRTD** (\$13,482.9 million), 64% (\$ 8,632.5 million) were provided from the regular budget and 36% (\$4,850.4) from voluntary contributions.



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| ■ HRTD XB Funds:                                  |
| \$4.850.4m/25.7%                                  |
| ■ HRTD RB Funds:                                  |
| \$8.632.5m/45.8%                                  |
| □ Policy Making Organs RB Funds: \$5.373.3m/28.5% |

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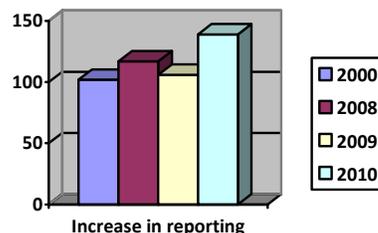
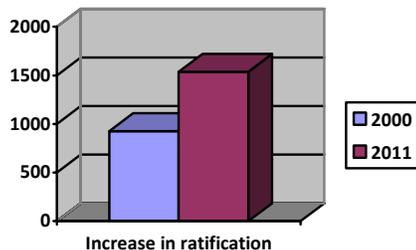
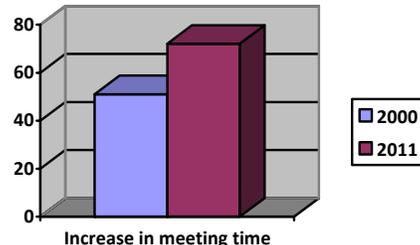
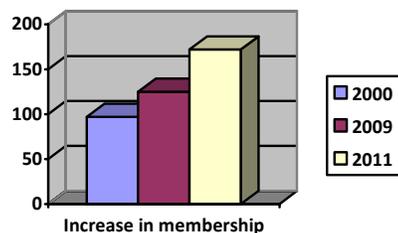
## II. Regular budget

The regular budget covers:

- The **travel of treaty body experts** to sessions in Geneva (or New York) and the costs of the annual meeting of the Chairpersons (under Policy Making Organs). **In 2000, the treaty bodies** supported by OHCHR (namely the HRCCommittee, CESCR, CRC, CAT and CERD) **had in total 74 experts. As of January 2011, this has increased to 172 experts** (including increases in membership to some Committees, the transfer of CEDAW from the Division for the Advancement of Women to OHCHR and the creation of new treaty bodies, namely the SPT, CMW, CRPD and CED). This led to an increase in the regular budget total allotment for the treaty bodies (under Policy Making Organs) for the biennium 2010-11 to \$ 10,746.5 million, compared to \$ 4,323.9 million for the biennium 2000-01.
- In addition, it makes provision for the **Human Rights Treaties Division** (Subprogramme 2) with \$16,373.2 million for the biennium 2010-2011, an increase from \$ 6.126.4 million in the biennium 2000-2001. It covers mainly staff costs, i.e. in 2011, 40 Professional posts (1 D-1, 4 P-5, 13 P-4, 17 P-3 and 5 P-2) and 16 General Service posts.

As mentioned above, in 2010, 74.3 % of all resources available to the treaty bodies were provided through the regular budget. **Although the General Assembly has been advised of the programme budget implications (PBIs) of new and expanded activities** (such as increases in the membership of some Committees or the establishment of new Committees), the corresponding staffing resources have not been provided. To give some recent examples: the General Assembly granted additional meeting time for CAT and CERD without granting additional staff to support that work, and the growth in membership of the SPI and consequent workload was not matched with additional staff to the extent requested by OHCHR.

Also, in recent years, more States have ratified treaties and are reporting regularly, which has increased workloads for the Committees and the supporting staff. **This growth has never been reflected through commensurate resources for each treaty body.**



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## III. Voluntary contributions

OHCHR has to a limited extent addressed the **shortfall in resources required to support the mandated work** of the treaty bodies from resources received **through voluntary contributions**. In 2010, voluntary contributions available to HRTD amounted to 36% of the Division's total available funding:

**Nearly one third of treaty body staff is funded from voluntary contributions**, namely 17 professional posts (2 P-4, 14 P-3 and 1 P-2) and five General Service (GS) posts. Out of those, three Professional and one GS staff are supporting the work of the United Nations Trust Fund for Victims of Torture.

In addition to the one third of staff funded from voluntary contributions, a certain amount of voluntary funds (annually at around \$ half a million) are used to support activities of the treaty bodies as follows:

- Travel of OHCHR staff to support HRCCommittee and CEDAW sessions in New York: In order to substantively support treaty body sessions held in New York, a core team of OHCHR staff travels from Geneva. Approximately \$100,000 is provided in the regular budget for these sessions, which actually costs between \$120,000 to \$140,000. Accordingly, the difference of \$20,000 to \$40,000 must be provided through voluntary contributions.
- Inter-Committee meetings (ICMs), aimed at harmonizing the approaches and working methods of all treaty bodies;
- Support to mechanisms such as the Open-Ended Intergovernmental Working Group mandated to "elaborate an optional protocol to the Convention on the Rights of the Child to provide a communications procedure". OHCHR has absorbed the support to the Working Group within existing resources, assigning a P-4 staff member to serve as Secretary to the meetings (consequently doing less of her normal Petitions-related work). The Chief of the Petitions Section and other staff of the Section were equally involved. In addition, HRTD has used voluntary contributions in 2010 and 2011 to pay for two to three experts to attend Working Group meetings (such as the Chair of the CRC, etc.); and
- Funding experts (e.g. from other human rights mechanisms, regional organizations, civil society and academia) to join general days of discussions in the elaboration of general comments.

All of the above are either core functions of treaty bodies' work or essential activities in the fulfilment of their tasks such as harmonization of working methods through the ICM.

Other functions funded from voluntary contributions include:

- In the biennium 2010-11, the holding of four regional workshops on the prohibition of incitement to hatred; and
- Supporting activities in the area of provision of technical assistance, the progressive development of international human rights laws and in increasing the efficiency and impact of the treaty body system.

Currently, no resources are available to provide a dedicated communication and IT capacity (i.e. for webcasting of treaty body sessions) to promote the work by the treaty bodies and make it accessible to stakeholders including in all six United Nations languages).

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As mentioned above, the Division also supports the United Nations Voluntary Fund for Victims of Torture, which in 2010 received approximately \$9.4 million in voluntary contributions.

### C. Developments over the past years (2000-2011)

#### I. Regular budget- travel of experts (Policy making organs)

Since 2000, the regular budget supporting the travel of experts has increased from \$ 4,323.9 million per biennium to \$ 10,746.5 million per biennium, not including the appropriations for the CED. As mentioned above, this is due to the fact that the number of treaty bodies supported by OHCHR has increased from five in 2000 to 10 in 2011 and the number of experts increased accordingly from 74 experts in 2000 to 172 as of January 2011.

|  | 2000-2001 | 2002-2003 | 2004-2005 | 2006-2007 | 2008-2009 | 2010-2011              |
|--|-----------|-----------|-----------|-----------|-----------|------------------------|
| HRCCommittee   | 1,224,000 | 1,372,200 | 1,369,500 | 1,362,700 | 1,497,200 | 1,418,800              |
| CESCR  | 973,100   | 748,200   | 740,900   | 774,900   | 808,400   | 898,800                |
| CRC  | 1,123,000 | 786,900   | 1,627,200 | 1,702,400 | 1,554,700 | 1,505,500              |
| CAT  | 323,900   | 341,900   | 464,000   | 481,500   | 520,000   | 539,000                |
| CERD   | 629,200   | 664,800   | 698,900   | 764,000   | 812,700   | 997,100                |
| Meetings of Chairpersons   | 50,700    | 53,000    | 55,700    | 55,400    | 117,500   | 113,800                |
| CMW<br><i>(since 2004 and increase in membership from 10 to 14)</i>  |           |           | 180,000   | 183,200   | 194,900   | 321,500                |
| SPT<br><i>(since 2008 and increase in membership from 10 to 25)</i>  |           |           |           | -         | 976,100   | 1,693,400              |
| CEDAW<br><i>(supported by OHCHR as of 2006)</i>                      |           |           |           | 1,230,500 | 1,737,000 | 2,108,900              |
| CRPD<br><i>(since 2009 and increase in membership from 12 to 18)</i> |           |           |           | -         | 584,200   | 1,149,700              |
| CED<br><i>(since 2011)</i>   |           |           |           |           |           | Awaiting appropriation |
| <b>TOTAL</b>   | 4,323,900 | 3,967,000 | 5,136,200 | 6,554,600 | 8,802,700 | 10,746,500             |

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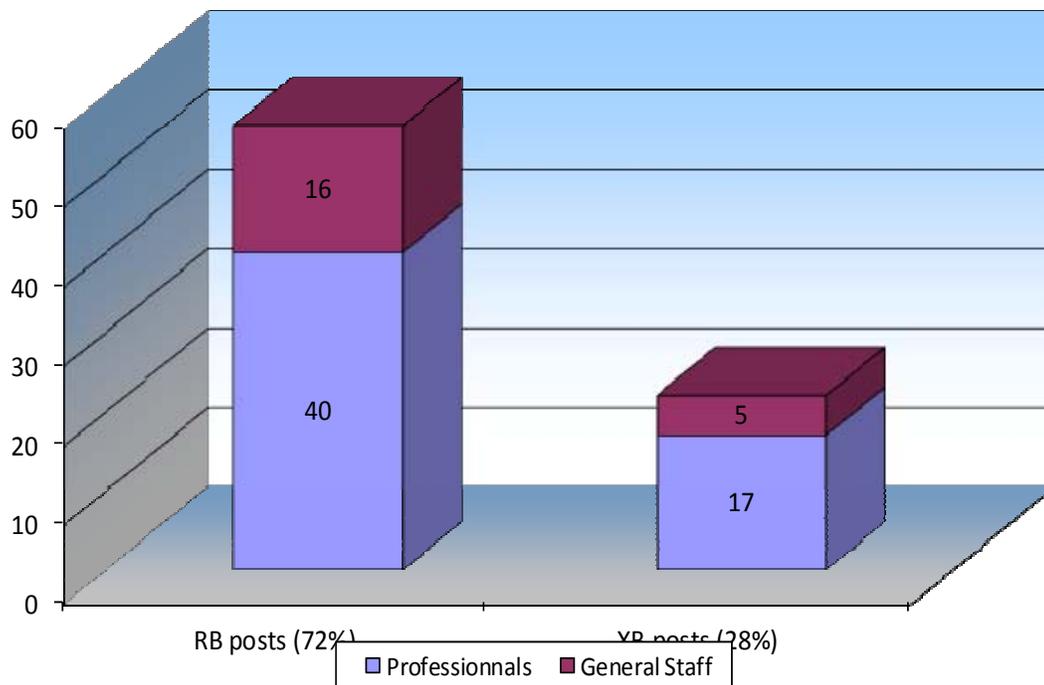
## II. HRTD staff

Since 2000, the budget of the Division, which mainly consists of staff costs, has increased from \$ 6,125,4million in a biennium to \$ 16.3732 for a biennium, i.e. almost tripled.

|                                       | 2000-2001 | 2002-2003 | 2004-2005  | 2006-2007  | 2008-2009  | 2010-2011  |
|---------------------------------------|-----------|-----------|------------|------------|------------|------------|
| HRTD including Office of the Director | 6,126,400 | 7,453,300 | 10,692,400 | 14,224,000 | 15,390,000 | 16,373,200 |

The Human Rights Treaties Division has 62 Professionals and 21 General Service posts, including **40 regular budget Professional posts** (1 D-1, 4 P-5, 13 P-4, 17 P-3 and 5 P-2) and 16 regular budget General Service posts; and **17 extra-budgetary Professional posts** (2 P-4, 14 P-3 and 1 P-2) and five extra-budgetary General Service posts.

Staff supporting the treaty bodies funded from RB & XB



Under the general supervision of the Director, 4 P-5s head four Sections and one GS to support two heads of Section:

Section 1 supports 5 treaty bodies (HRCommittee, CESCR, CAT, CERD, CED) with 5 P-4 Secretaries and 5 GS, one for each treaty body as well as 10 P-3s/P-2s.

Section 2 supports 4 treaty bodies (CEDAW, CRC, CMW and CRPD) with 4 P-4 Secretaries and 4 GS, one for each treaty body as well as 11 P-3s/ P-2s. A P-4 is also assigned to follow-up on the Study on Violence against Children.

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Under the direction of treaty body experts, for each State party report, secretariat staff assume a wide range of tasks to assist the Committees. This includes conducting research on all publicly available sources of relevant information, inviting and subsequently analyzing information received from international organisations and international and national civil society organisations, providing assistance to the Committees in drafting lists of issues and concluding observations, submitting these documents for translation and continuously following up with the translation services until the language versions are released, as well as continuously updating the website regarding the examination of the report. A normal workload would entail one P3/P-2 assisting a Committee with these tasks in respect of one State party report under review in plenary (concluding observations) and another State party report for a future review (list of issues) per session. However, due to the increased workloads and lack of staff, more staff are increasingly being called upon to assume responsibility for more reports per session.

Section 3 supports capacity building, harmonization and outreach activities. It has two P-4s dealing with the Chairpersons and Inter-Committee Meetings as well as with outreach and training activities supported by 3 P3s who support them in this regard and have special functions e.g. in relation to maintaining the Universal Human Rights Index or the organization of the expert seminars on prohibition of incitement to hatred. 3 GS support them in these activities including ensuring accreditation to treaty body sessions or dealing with other overarching issues for the Division (such as archiving). Despite the shortage in staff, HRTD added essential outreach work including its quarterly newsletter: [http://www2.ohchr.org/english/bodies/treaty/newsletter\\_treaty\\_bodies.htm](http://www2.ohchr.org/english/bodies/treaty/newsletter_treaty_bodies.htm). The Section also includes 3 professionals at the P3/P2 level and 1 GS who support the work of the United Nations Voluntary Trust Fund for Victims of Torture.

Section 4 houses the Petitions and Inquiries Section that supports the 5 active individual complaints procedures with 1 P4 and 9 P-3/P-2s as well as 3 GS and the 10th treaty body, the SPT with a P-4 Secretary, 2 P-3 staff and 2 GS. The SPT differs from other treaty bodies as it does not examine State party reports but conducts visits to places of detentions.

Lastly, the Office of the Director includes a Programme Management Officer at the P-4 level and 2 GS.

An analysis conducted in 2010, by an independent consultant, of the workload for all Committees (except SPT and the new treaty body, CED) indicated that the current total number (22) of Human Rights Officers other than the Secretaries of the Committees performing the legal analysis supporting nine conventions and the tenth to come into force, as well as supporting the treaty body sessions and backing up the Secretaries **demonstrated a shortage of 11 professional staff in relation to current work loads.** Work months per Committee were used to determine the proportional shortages. The shortfall for CESCR and the HRCommittee were evaluated at one staff each, for CERD, CAT and CEDAW the shortage was evaluated at two staff each, for the CRC at three staff. Since, the General Assembly has granted one additional P-3 as of 2011 to support the CRPD to support its increased workloads generated by a very rapid increase in ratifications.

The SPT and Petitions were evaluated separately. The **SPT shortfall in two professional and one GS staff** was determined in relation to the expansion in the SPT membership from ten to twenty-five members, and with the expectation that the number of missions will increase from 2-3/years up to 11 missions per year (a 300% increase). Two additional staff is a conservative estimate considering the anticipated workload increase. Since, the General Assembly has granted 1 additional P-3 and one GS to the work of the SPT.

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For **Petitions, the shortfall was evaluated at two professional staff** which was determined in relation to the screening time and case work load statistics.

In principal, all posts currently funded from voluntary contributions (with the exception of the staff supporting the UNVTFVT) should be funded from the regular budget as they perform core mandated functions to support the treaty bodies.

## **D. Challenges, Conclusions and Recommendations**

### **I. Addressing the ‘volume’**

Following GA res 62/236 (para 101), OHCHR was reviewed by OIOS and HRTD, upon its request, was studied as a component of the larger OHCHR evaluation. The evaluation and its resulting report (July 2009) highlighted strengths and areas for action for OHCHR, with a view to enhancing synergies of work processes across the Office to maximize and improve a coherent approach to treaty bodies’ work, inputs and outputs. The recommendations that refer particularly to HRTD included improving strategic linkages and work flows between and among HRTD and other Divisions especially the field; harmonizing working methods of the treaty body Secretariat in relation to the work methods of the treaty bodies; and improvement of work flows within HRTD and objective assessment of required human resources. A consultant was hired and found that three interdependent factors are at the heart of the work process difficulties in HRTD: **volume, alignment, and strategy**. In the consultant’s view, problems emanating from the interplay of these three factors are impeding on almost every aspect of the work activities undertaken within HRTD and with its partners and stakeholder:

**OHCHR is gradually addressing the issues of alignment and strategy.**

Firstly, we have **undertaken a review of our work processes and are gradually harmonizing the working methods of the Secretariat and improve work flows in the Office** and with the field. The aim is to find the best ways to integrate the work of the treaty bodies in the whole office programme of work.

Secondly, we also have **significantly enhanced our outreach activities** vis-a-vis the treaty body experts, OHCHR staff, Special Procedure mandate holders, national human rights institutions and UN partners also with a view to increasing coherence and consistency among the outputs of the different human rights mechanisms. The Universal Human Rights Index is an important outreach tool in this regard. It compiles recommendations made by all human rights mechanisms in a database, which can be searched by themes or countries.

Thirdly, the **treaty bodies have taken a number of positive initiatives such as the progressive harmonization of treaty body procedures and working methods** (common treaty body approach to reservations, consolidated guidelines for the common core document and treaty specific documents, establishment of a working group on common approaches to follow-up). States parties have welcomed this harmonization process, and several (38 to date) have submitted common core documents and targeted treaty-specific documents.

Fourthly, the **Sion meeting among many initiatives** by different stakeholders is a response to the High Commissioner’s call for a process of reflection by different stakeholders on how the system can be strengthened, which is anticipated to generate new ideas.

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Lastly, as to effective **national level implementation** of the recommendations, OHCHR organizes and participates in human rights trainings and trainings on follow-up to concluding observations for State officials and civil society, often in partnership with other organizations. OHCHR, especially our field presences, also undertake capacity building initiatives in supporting different stakeholders in implementing recommendations deriving from the treaty bodies. When the work of servicing the treaty bodies and the available resources allow, HRTD contributes to such activities as far as possible, including by tailoring training materials to the audience and sending resource persons from its staff or Committees.

Having said this, **addressing the ‘volume’ will be the main challenge.** In the last 10 years, the treaty bodies supported by OHCHR have expanded in number (from 5 to 10), overall number of sessions (from 11 to 24), overall number of weeks in session (from 44 to 73), in the number of treaty body experts (from 74 to 172), the quantity of individual complaints (currently at 120 decisions per year) as well as amount of ratifications (currently at 1525 ratifications under the 9 core conventions and two Optional Protocols with reporting obligations, in contrast to 927 in 2000), and have increased the number and type of service requests (list of issues prior to reporting, follow-up procedures) from the Human Rights Treaties Division and the Office. **The volume** of State party reports and associated documentation submitted, and the analysis to be formulated pre-session, in-session, or post session, plus the number of individual petitions to screen and consider, generated by the number of treaty bodies and the propagation of activities within individual treaty bodies, **causes enormous stress for the Secretariat in its present configuration to substantively and operationally manage. Member State support in supporting additional resources from the regular budget would be useful.**

### **II. Increased workloads without regular financial reviews**

As mentioned above, the growth of the system has not been matched with commensurate staffing to cope with increased workloads. Reviews of staffing or financial needs only take place upon the adoption of a decision to request additional meeting time, or when the convention passes a milestone for expansion. Apart from these triggering events (in which the estimated requirements are rarely fully approved), there has been no comprehensive review of the workload of the treaty bodies. In the current restrictive budgetary climate, it has not been possible to fully present the needs of the treaty body system including of conference services, due to competing demands – both within OHCHR and in the Secretariat. Nevertheless, such a review is clearly needed. **Requests from Member States for such a review would be useful.**