

Message from the Director of the Human Rights Treaties Division

Treaty body strengthening: A new era



Panel Discussion with States Parties on Strengthening Treaty Body System (March 2011) © OHCHR/Danielle Kirby

As we are now aware of, on 9 April 2014, the General Assembly has adopted a landmark resolution on «Strengthening and enhancing the effective functioning of the human rights treaty body system» thereby fruitfully culminating a two year intergovernmental negotiations that followed a comprehensive consultation process launched by the High Commissioner for Human Rights, Navi Pillay in September 2009. The High Commissioner's report on the matter was presented in June 2012 to the General Assembly and enriched the subsequent intergovernmental negotiations.

Are we satisfied with General Assembly resolution 68/268 on the strengthening of the treaty body system? Yes, certainly! Is this the end of the story? No, certainly! Indeed, the General Assembly has provided treaty bodies, States Parties, our Office and other stakeholders with an incremental process and a detailed roadmap that have a real potential to meet the objectives of the strengthening process. The implementation and follow-up phase of the GA resolution has already started immediately after its adoption and will be ongoing for many reasons, including the request of the GA to report back every two years on progress achieved in implementing its key provisions. The GA also foresaw the possibility for treaty bodies to regularly increase their capacity based on their objective needs (increase of States Parties, increase of State reports submitted, increase of individual communications received).

The key gains of the treaty body system are as follows: 20 additional weeks of meeting (an increase of 30%); a solid capacity building programme "...to support States in building their capacity to implement treaty obligations"; a study on the feasibility of webcasting; videoconferencing capacity; progressive implementation of accessibility standards; reinforcement of public information coverage and, last but not least, a strong call of the 192 Member States of the Assembly to treaty bodies to "... continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through

their working methods..." "...with a view to accelerating the harmonization of the treaty body system, [to] continue to enhance the role of Chairs in relation to procedural matters, including formulating conclusions on issues related to working methods..."

Finally, the General Assembly has during the process fully respected the different competencies of each actor of the treaty system. Treaty bodies' independence has been consolidated and the Addis Ababa Guidelines recognized as the key tool in this regard.

Now we expect all actors of the system to play actively their part in advancing the resolution being turned into real change. States parties are encouraged to use simplified reporting procedures and submit shorter analytical reports. It is expected by most that treaty bodies will increasingly move towards simplified reporting procedures. Under the leadership of their Chairpersons, treaty bodies are expected to robustly harmonize and align their working methods so that those who cooperate with the system can expect similar procedures on the same issues for the nine bodies reviewing States reports and handling individual communications. On our side, we are committed to implement all the provisions relating to our Office, including obviously the important capacity building programme. We are also willing to promote the spirit of change and improvements encapsulated in the GA resolution as well as in the GA resolution 48/141 establishing the High Commissioner mandate.

Finally and more indirectly, we are delighted to be the first sector of the United Nations that has been able to identify potential savings in a complex and fundamental area of work of the Organization and be able - within the competence of appropriate UN bodies (Advisory Committee On Administrative and Budgetary Questions and GA 5th committee) - to reinvest these savings in the long term in the treaty body system. This has been a unique achievement and could become a precedent for streamlined cost neutral analysis and improvement of comparable processes within the UN. ■

TABLE OF CONTENTS

EDITORIAL	<ul style="list-style-type: none"> • Message from the Director 1
26TH ANNUAL MEETING OF CHAIRPERSONS	<ul style="list-style-type: none"> • Opening Statement of the High Commissioner for the 26th annual meeting of Chairpersons of human rights treaty bodies 3 • Message from Claudio Grossman, Outgoing Chairperson of the annual meeting of treaty body Chairpersons 5
TREATY BODY STRENGTHENING	<ul style="list-style-type: none"> • Consultations with United Nations regional groups and civil society on follow-up and implementation of the General Assembly resolution on treaty body strengthening 6 • A group of States and think-tanks consider lessons learned, implication and implementation of the strengthening process 7
CURRENT DEVELOPMENTS	<ul style="list-style-type: none"> • Committee on Enforced Disappearances adopts new form for the submission of urgent actions requests 8 • Committee on the Rights of Migrant Workers and Members of their Families (CMW) organizes Day of General Discussion on Workplace Exploitation and Protection 9 • Highlights of treaty body jurisprudence in individual complaints (January-April 2014) 10 • Ireland solicits stakeholder input in the treaty body reporting online 13 • A new web-page on the status of timely reporting and late/non-reporting States 13
CAPACITY-BUILDING	<ul style="list-style-type: none"> • La Tunisie s’engage à renforcer sa coopération avec les mécanismes des droits de l’homme des Nations Unies 14 • Training workshops in St. Maarten and the Bahamas 16 • Training for civil society representatives in Turkey galvanizes support for integrated approach to reporting and follow-up 17
UNVFVT	<ul style="list-style-type: none"> • Deputy High Commissioner Flavia Panseri visits Torture Fund project in Cambodia 18 • Mali: OHCHR Torture Fund opens a new emergency project for direct assistance to victims of torture 18
SPT	<ul style="list-style-type: none"> • UN torture prevention body’s welcomes Nigeria willingness to prevent torture in a purposeful manner 19
ELECTIONS	<ul style="list-style-type: none"> • Elections for 4 Committees CRPD-ICCPR-CRC-CEDAW 17
OTHERS	<ul style="list-style-type: none"> • Latest signatures-ratifications-accessions 20 • Latest State Party reports received 22 • Info on the Human Rights Treaties Division 24 • Useful tools and links 25



Navi Pillay
UN High Commissioner for Human Rights

***Opening statement of the High Commissioner
26th Annual Meeting of Chairpersons of
human rights treaty bodies***

***“I consider treaty body strengthening to be a key
achievement of my mandate”***

I am very pleased to welcome you to the 26th annual meeting of Chairpersons of human rights treaty bodies. This is also the last time I will address you as High Commissioner, and our meeting today is also of particular significance as it is the first Chairpersons’ meeting since the General Assembly adopted the treaty body strengthening resolution in April – paving the way to effectively address the challenges faced by the treaty bodies through a well-defined incremental process.

Of course this is not the end-point of the process: it is the beginning. Still, we have come a long way, and I am proud of what you have collectively achieved. Just a few years ago, nobody referred to the treaty bodies as a system. Each treaty body evolved in relative isolation from the others, increasingly to the detriment of the effective, holistic protection of rights-holders. Thanks in great measure to the resolve of the treaty body Chairpersons, this is changing. You have placed the treaty bodies on the map as a system: the term “treaty body system” is mentioned 19 times in the treaty body strengthening resolution. This is quite an achievement for a set of mechanisms that, not very long ago, was perceived – and too often perceived itself – as a collection of individual and separate entities.

The Chairpersons have played an extremely important role throughout the treaty body strengthening process. Your joint advocacy has had direct impact on the negotiations because you spoke in unison, after consultation with your members. The fact that the General Assembly recognized the distinct legal competencies of States versus treaty bodies is one example of the successful influence of the Chairpersons. You were able to influence the process because you were united and spoke with one voice. The

famous five principles that you formulated and defended in New York, as key parameters of the treaty body strengthening outcome, are a case in point. The joint statement resulting from your Washington meeting in January, one week before the final round of negotiations, is another case in point. My own voice has been there from the very beginning reinforcing the same parameters that you defined and defended.

Allow me to remind you briefly of the gains achieved through the General Assembly’s resolution A/RES/68/268. Firstly, it grants the treaty bodies overall 30% more meeting time. Significantly, it also grants more human and financial resources from the regular budget, as of 2015. The General Assembly further adopted a capacity building package, funded from the regular budget, to assist States parties to fulfil their human rights obligations.

And it also approved measures such as videoconferencing and webcasting that will help modernize the treaty body system and make it more accessible.

This innovative outcome will also permit periodic reassessment of the meeting time requirements based on objective criteria, in contrast to ad-hoc requests for resources. Moreover, I take particular pride in the fact that all of the above improvements are financed by cost-saving measures that were suggested in my June 2012 report. This is an unprecedented exercise in transparency, cost-effectiveness and improved management. Beyond the treaty body system, this good example may well serve other parts of the United Nations.

I am very pleased that the treaty body strengthening resolution - I quote – “encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of the Chairs in relation to procedural matters – including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods” (paragraph 28).

I realize that interaction within and between committees may not always make it easy for Chairpersons to take on a leadership role that allows treaty bodies to reach firm conclusions, but I very much hope this challenge will be met.

In this context, I would like to recall the “Poznan Formula” which balances autonomy and unity within the

treaty body system. This was reaffirmed at the Chairpersons meetings in Addis and in New York, where the Chairpersons reiterated that they should adopt common measures on working methods and procedural matters, across the treaty body system, following discussion within each committee, and agreed that such measures should be implemented by all the treaty bodies, unless a committee specifically dissociated itself from them.

The fact that the treaty body Chairpersons collectively took the lead in 2011, in Addis Ababa, to self-regulate their standards of conduct illustrates how effectively the Chairpersons can guide the treaty body system. Today, the Addis Ababa Guidelines are in force in almost all committees. The Guidelines, which have been recognized by the General Assembly, present distinct advantages to the idea of adopting a Code of Conduct, which could in practice threaten the committees' independence.

The General Assembly resolution attributes specific and clear responsibilities to the various actors, including States, treaty bodies, OHCHR, and others. It also invites treaty bodies to align their working methods in at least six specific areas, including the 3 topics on your agenda today, general comments, rules of procedure and common core document.

Importantly, the resolution establishes an incremental process of accountability, by mandating a progress report by the Secretary-General every two years. This report will identify progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their work as in different provisions of the resolution.

The treaty bodies are quasi-judicial mechanisms, created by States to help states ensure respect for the rights of persons and groups. States have called on you unanimously to take a number of measures. I trust that at this meeting you will send a clear signal that you have heard the call of the General Assembly, and that you will give it due weight. A new and historic chapter is beginning, and a "business of usual" approach would not meet its challenges.

This meeting offers a timely opportunity for the treaty bodies to take the lead in implementing the TBS resolution in three distinct areas of implementation: the simplified reporting procedure; the alignment of methodologies for constructive dialogue with States parties; and a common format for short, focused and actionable concluding observations.

Notes by the Secretariat have been shared with all treaty body members twelve weeks in advance, to give sufficient time for review and so that the committees could provide you, as Chairpersons, with general parameters for your discussions and conclusions. The

committees that held sessions since April have held meaningful discussions and those that did not meet in this period have exchanged views by email.

Throughout my mandate there has been a very constructive relationship between treaty body members and members of my Office, as we work in tandem to further the goal of all human rights for all. While there have been isolated incidents in which staff were not treated with dignity and respect, I trust that you will remain vigilant and attentive to the need to further the strong and constructive partnership between your committee members and members of my Office as we work towards our shared goal: the protection of all human rights for all persons. For this to happen, we all have to ensure applicable rules and basic principles of respectful conduct.

I hope that you agree with me that there is a natural alliance between treaty bodies and my office in implementing this resolution for the benefit of human rights. The treaty bodies and OHCHR are different and independent actors nonetheless. The General Assembly made this clear in its resolution 68/268 by conferring certain responsibilities to the treaty bodies and others to OHCHR. Hence, while our interests are aligned, we have distinct roles to play, at the end of the day, we will be judged separately. My own mandate as High Commissioner includes the responsibility "to rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness."

In this spirit, the Office will continue to work to enhance the common purpose, cohesiveness, efficiency and effectiveness of the treaty bodies. I have instructed my staff, including treaty body Secretaries, to do their utmost for the implementation of the treaty body strengthening resolution 68/286 of 9 April 2014, in all its details.

Together, we have accomplished what many deemed impossible: the first successful strengthening of the human rights treaty bodies in 50 years, for the benefit of right-holders. It has been a tremendous journey, involving many different stakeholders. You, the treaty bodies and their members have played a prominent role.

I consider treaty body strengthening to be a key achievement of my mandate. By definition, the Chairpersons' annual meeting should be where courageous decisions are made. I leave you with this responsibility, confident that you have the wisdom and commitment to continue this journey through your comprehensive and faithful implementation of the General Assembly treaty body strengthening outcome.

Thank you. ■

Message from Claudio Grossman
Outgoing Chairperson of the Annual Meeting of Treaty Bodies Chairpersons

“I am pleased that the outcome resolution upholds the five principles the Treaty Body Chairpersons articulated”

Dear colleagues,

First of all, I regret that I am not able to join you for this annual meeting of Chairpersons, due to a prior commitment made a long time ago. I am pleased to inform you, however, that the Committee against Torture will be represented by its capable Vice-Chairperson, Ms. Felice Gaer.

This annual meeting is of special importance for three reasons. First, it marks the closing of a year in which, for the first time, we have profiled the treaty body system as a player on the international scene. Second, this meeting will test our ability to maintain our sense of unity. Third, this meeting will measure the degree to which we are able to exercise leadership vis-à-vis our own treaty bodies.

This is the first meeting of Chairpersons since the adoption by the General Assembly of the treaty body strengthening resolution (A/RES/68/268). It is clear that not all our expectations were met. Personally, I would have liked to see a greater emphasis of the resolution on the obligation by States to implement treaty body recommendations.

Nevertheless, the challenges threatening the treaty bodies – under-resourcing, backlogs, and underreporting – were tremendous and the General Assembly deserves credit for coming up with workable solutions.

At the 25th annual meeting of the Chairpersons in New York, we engaged with member States and with the Co-facilitators of the inter-governmental treaty body system on the concrete measures that were proposed to strengthen the treaty bodies. Together, we were able to influence the process and its outcome in a very concrete manner. In particular, I would like to briefly recall the five principles that we, as Chairpersons, articulated when we met with member States in May 2013 and that remain important today:

The outcome of the inter-governmental process must strengthen the human rights protection that the treaty body system offers and intensify the scrutiny of the implementation of human rights obligations;

The independence of treaty body members is essential to the credibility and integrity of the system and guarantees the impartial treatment of States parties;

The outcome of the inter-governmental process must address the challenges faced by the treaty body system in a comprehensive and sustainable manner;



Mr. Claudio Grossman, Chairperson of CAT, 25th Anniversary of CAT (May 2013) © OHCHR/Danielle Kirby

All cost-saving and other measures to improve the efficiency of treaty bodies must be reinvested in the treaty body system; and,

The treaty body system should benefit from the opportunities created by technological advancement and be made universally accessible for persons with disabilities, while upholding the principle of reasonable accommodation.

The treaty body strengthening process was not without obstacles. There was no formal consultation process for NGOs, although the Co-facilitators, on their own initiative, did take their views into account.

Colleagues will also remember the barely veiled attempts to curtail the independence and impartiality of treaty body members. This is why, at the end of January, I convened the informal consultation of Chairpersons at American University, College of Law, in Washington D.C., immediately prior to the last round of negotiations in New York. The Chairpersons who attended will recall the difficult discussions with the Co-facilitators. Yet, again, by developing a joint position, acting together and adopting a clear and frank statement we were able to assert an authoritative influence.

I am pleased that the outcome resolution upholds the five principles the Treaty Body Chairpersons articulated. I also welcome the significant increase in meeting time and corresponding resources to enable the treaty bodies fulfill their mandate effectively. The General Assembly's condemnation of reprisals is also important.

Both the inter-governmental process and its outcome have strengthened the role of the Chairpersons with full respect of the functions of each treaty body. Indeed, this process has demonstrated in a very tangible manner that it is difficult to ensure coherence and consistency among treaty bodies and to modernize the treaty body system without the leadership of the Chairpersons, both individually and collectively.

General Assembly resolution 68/268 explicitly enhances the role of the Chairs in paragraph 39 which “encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.”

The annual meeting of the Chairpersons is a unique forum to advance the coherence and consistency among the treaty bodies. Harmonization is not only our mandate; it increases the legitimacy of the treaty body system as it allows for all States to be treated in the same manner.

In order to increase accessibility, responsiveness, predictability and human rights protection for all without discrimination, it is self-evident that we need to better align our working methods. The onus is on us, as treaty body Chairpersons, to seize the momentum that has been

created. I hope you will bear this in mind as you embark on your discussions.

I am convinced that you will cherish the space and preserve the visibility that we have created for the treaty bodies against many odds. Let us continue to show our unison and determination to move forward, not because we are asked to do so by member States, but because greater unity, accessibility and streamlining our procedures will advance the protection of right-holders.

In conclusion, I would like to submit, for your collective consideration, that the next annual Meeting of treaty body Chairpersons be held in Costa Rica, at the premises of the Inter-American Court of Human Rights. San José is also the headquarters of the Interamerican Institute of Human rights.

Several years ago, we started as Chairpersons to implement our goal of bringing the treaty bodies closer to the people by collaborating with regional organizations and making our work more visible in the regions. Meetings were held in Brussels and in Addis Ababa. Holding our next meeting in San José will allow us to develop synergies with a vibrant regional human rights system while at the same time saving expenditures since a significant number of Chairpersons are based in the Americas.

It has been an honour and a privilege to serve as the Chairperson of the 25th annual meeting of Chairpersons. I thank you for your excellent collaboration and support during this crucial year and wish you a productive and successful meeting. ■

Consultations with United Nations regional groups and civil society on follow-up and implementation of the General Assembly resolution on treaty body strengthening

In the first week of June, OHCHR completed a series of six consultations on the implementation of United Nations General Assembly resolution A/RES/68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system. Delegates from all five regional groups of the United Nations and a broad range of civil society organisations engaged in open and active consultations.

Participants expressed appreciation for the achievement of the General Assembly resolution and welcomed the increased leadership role that the resolution confers on treaty body Chairpersons and OHCHR. Support for the implementation of the resolution was widespread among regional groups and civil society alike. Many participants welcomed the consultations and expressed their interest in continuing the dialogue.

The consultations focussed on key achievements of the treaty body strengthening resolution. The increase in meeting time for treaty bodies from 72 to 95 weeks per year significantly boosts the capacity of the treaty bodies to review the human right situations in countries more regularly. The increase in OHCHR staffing will ensure adequate substantive support for the historically under-resourced treaty bodies. The resolution further creates a

programme to build the capacity of States to implement their treaty obligations. The establishment of standing national level mechanisms, a part of the technical assistance package, will help States to coordinate reporting to the treaty bodies. To facilitate the exchange of good practices and support States, OHCHR will release a Study on Standing National Reporting and Coordination Mechanisms (SNRCM) and a Manual on Treaty Body Reporting.

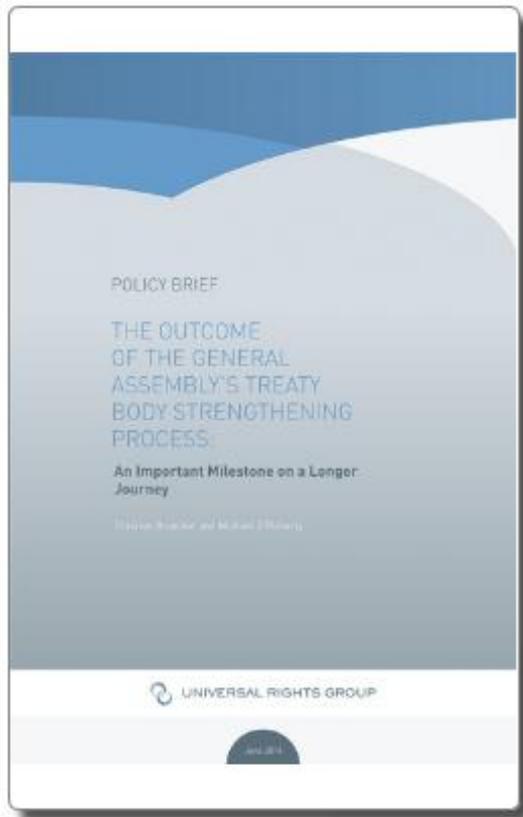
The capacity building elements of the resolution enjoyed particular positive attention. Many stressed the need for transparency in the implementation of the capacity building provisions. The importance of geographic and linguistic diversity of the roster of experts for capacity building and transparency in the process for its establishment was also underscored.

The inclusion in the resolution of several review mechanisms, including the biennial review of meeting time requirements and the Secretary-General's biennial progress reports were also welcomed.

The consultations concluded with a brief presentation of OHCHR's online treaty body tools, namely the treaty body documentation database, the webpage on late and non-reporting, and the Universal Human Rights Index. ■

Panel discuss on the follow up on the treaty body strengthening outcome, May 2014

A group of States and think-tanks consider lessons learned, implications and implementation of the strengthening process



Over 50 delegations participated actively in an event organized by Ireland, Switzerland, Morocco, South Korea and Poland in collaboration with the Universal Rights Group and the Geneva Academy.

Many praised the outcome of the treaty body strengthening process as the first successful reform of the system in 50 years that resulted from a transparent multi-stakeholder process. The inter-governmental process had significantly increased awareness and understanding of the treaty body system in New York and drawn attention to the treaty bodies as a system and independent monitoring mechanism. Member States had reaffirmed the independence of the treaty bodies and their members, and, for the first time, allocated regular budget resources to build the capacity of States to fulfil their treaty obligations. Many participants also welcomed the unusual and innovative approach used to strengthen the treaty bodies in times of crisis, namely the reallocation of savings from efficiency and modernization measures to grant additional meeting time and resources to the treaty bodies.

Several panel members underscored the importance of the resolution having been adopted by consensus. All emphasized the need for all stakeholders (States, treaty bodies, OHCHR, UN entities) to move forward swiftly with implementing the resolution. The success of the

exercise would be measured by an enhanced effectiveness of the treaty body system, more aligned working methods, a reduction of the backlog and overdue reports, all of which should lead to increased protection for right-holders. The biennial SG report on the state of implementation of the measures contained in the resolution would provide a clear indication of progress on the road to implementation by all action-holders.

Significant anticipation was expressed over the upcoming Chairpersons meeting in June 2014, at which the Chairpersons would consider the harmonization of working methods called for by the General Assembly. Some noted that the Chairpersons should not only focus on procedural matters, but also consider substantive matters, including the thematic overlap between treaties. The outgoing Chairperson of the annual meeting, Claudio Grossman, emphasized that harmonization enhanced the legitimacy of the treaty body system as it allowed for all States to be treated in the same manner. As incoming Chair of the annual Chairpersons meeting, Malcolm Evans, Chairperson of the Sub-committee on Prevention of Torture, will lead the first phase of the implementation process. An informal consultation of the Chairpersons with States is scheduled for 25 June 2014.

There was also significant interest in and support for the establishment and strengthening of standing national reporting and coordination mechanisms (SNRCM), and Tunisia announced its own decision to create such a mechanism as a direct result of its engagement as Co-facilitator in the inter-governmental process.

NGO participants wanted more dialogue on the preparation of State party reports at a national level and a clear role for the UNCT to protect NGOs cooperating with the treaty body system against reprisals. They also called for more competitive and transparent national nomination processes for treaty body members to enhance the quality of the membership.

Andrew Clapham of the Geneva Academy moderated the panel, which was addressed by the Permanent Representatives of Switzerland (Mr. Fasel) and Poland (Mr. Henzel), the Chair of the annual Chairpersons meeting of treaty bodies (Mr. Grossman), the Vice-Chair of the Chairpersons meeting (Mr. Evans), the former Vice-Chair of the Human Rights Committee, former Chief Commissioner of the Irish NHRI, former representative of the ICC and Vice-Chair of the Board of Trustees of the Universal Rights Group (Mr. O'Flaherty), representatives of NGOs (Ms. Baldwin-Pask of Amnesty International and Ms. Broecker of the Jacob Blaustein Institute), as well as OHCHR (Mr. Bacre Ndaye and Mr. Ibrahim Salama). ■

Committee on Enforced Disappearances adopts new form for the submission of urgent actions requests



[Committee on Enforced Disappearances](#) during First session in 2011: Mr. Enoch Mulembe (former member) (Zambia), Mr. Rainer Huhle (Germany), Mr. Alvaro Garcé García y Santos (Uruguay), Mr. Mamadou Badio Camara (Senegal), Mr. Mohammed Al-Obaidi (Iraq), Ms. Suela Janina (Albania); Mr. Luciano Hazan (Argentina), Mr. Juan José López Ortega (Spain), Mr. Emmanuel Decaux, (France), Mr. Kimio Yakushiji (Japan) © UN Photo/Jean-Marc Ferré

At its 6th session in March 2014, the Committee on Enforced Disappearances adopted a new form for the submission of Urgent Actions requests (To find the new form, click [here](#)). The new form explains the conditions of admissibility of requests and lists the information required for the Committee to register the Urgent Action and initiate proceedings.

Urgent Action requests can be submitted to the Committee by families and relatives of the disappeared person, or by any person with a legitimate interest to do so, any time a person is disappeared in a State party to the Convention against Enforced Disappearances.

Under this procedure, established by article 30 of the Convention, the Committee can request the State party

concerned to take, as a matter of urgency, all measures that are necessary to seek and find a disappeared person. The Committee can also request the State party to adopt interim measures to avoid irreparable damage to the persons related to the case or to other elements relevant to locating the disappeared person. The Committee can also request the State party to adopt protection measures to protect the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as any person participating in the investigation.

Since the entry into force of the Convention against Enforced Disappearances on 23 December 2010, the Committee has registered 13 Urgent Actions. In compliance with article 30, paragraph 4 of the Convention, *“the Committee shall continue its efforts to work with the State Party concerned for as long as the fate of the person sought remains unresolved”*. ■

Committee on the Rights of Migrant Workers and Members of their Families (CMW) organizes Day of General Discussion on Workplace Exploitation and Protection



Mr. Carrion Mena, Chairperson of the Committee on the Rights of Migrant Workers, Ms. Flavia Pansieri, Deputy High Commissioner for Human Rights and Mr. Ibrahim Salama, Director of Human Rights Treaties Division © OHCHR/Danielle Kirby

Geneva, 7 April 2014 – Over one hundred participants called on States to close the protection gap resulting from the poor ratification of the Convention and encourage the Committee to further explore the link between workplace exploitation and discrimination faced by migrant workers based on nationality, origin or other grounds, highlighting the particularly vulnerable situation of migrant domestic workers, most of whom are women and girls.

Participants included representatives of governments, UN agencies, intergovernmental organizations, NGOs, international trade unions and academic institutions.

The discussion highlighted the forms of abuse and exploitation experienced by migrant workers, particularly those in temporary or seasonal employment, and those in an irregular or undocumented situation. Such abuse and exploitation could include deceptive recruitment practices, the absence of a written work contract, non-payment of, or unfair, wages, and confiscation of documents even when prohibited by law. The unfamiliarity of migrant workers with their rights and with national legislation, as well as the shortage of social support and social services, compounded the fear of migrant workers to be arrested and deported. Some participants said that migrant workers did not only suffer at the hands of abusive and exploitative employers, but also from systemic factors such as weaknesses in States' migration policies and domestic labour laws, and/or the failure to enforce them.

Participants also discussed the measures to take to address the issues. States should protect migrant workers by providing human rights training to labour inspectors and using inspections to prevent violations.

States should further decriminalize irregular migrant entry and increase the availability of regular channels for migration. Other measures discussed included ending the use of contracts that tied migrant workers to an employer or to a job; sanctioning exploitative employers; establishing “firewalls” at the local and regional levels for the protection of migrant workers in their interaction with public authorities; enhancing consular services for nationals abroad and providing support services for foreign migrant workers, such as legal aid and translation services; informing potential migrant workers about issues related to the migration process, including private recruitment agencies; collaborating with non-governmental organizations, especially for pre-departure seminars; and recognizing trade unions and the right of migrant workers to join them.

The discussion day was opened by Mr. Carrion Mena, Chair of the CMW, and addressed by Ms Pansieri, Deputy High Commissioner for Human Rights, and Ms Leighton, Chief of the Labour Migration Branch of the International Labour Organization (ILO). Panellists were François Crépeau, Special Rapporteur on the human rights of migrants; Francesca Pizzutelli, Migrants' Rights Advisor, Amnesty International; Jolovan Wham, Executive Director of the Humanitarian Organization for Migration Economics; Genevieve Gencianos, on behalf of Rosa Pavenelli, General Secretary of Public Services International; Michele Levoy, Director, Platform for International Cooperation on Undocumented Migrants; and Patrick Taran, President of Global Migration Policy Associates. The Director of the Human Rights Treaties Division of OHCHR acted as moderator. Statements and submissions are available on the OHCHR website (For more information, click [here](#)). ■

Highlights of treaty body jurisprudence in individual complaints (January-April 2014)

CERD, at its 84th session (3-21 February 2014), adopted one opinion on the merits of a communication ([Communication n° 50/2012, A.M.M. v. Switzerland](#) – **Do the effects of provisional admission status in Switzerland of a Somali national amount to racial discrimination?**)

On 18 February 2014, the Committee adopted its opinion related to communication n° 50/2012 (*A.M.M. v. Switzerland*), which was submitted by a Somali national who had applied for asylum in Switzerland in 1997. While he was denied refugee status on 5 January 1999, he was granted a provisional admission status by the Swiss authorities. The author claimed that the temporary admission status assigned to him is directly related to his origins and his nationality and that it creates undue limitations and interferences in his daily life, including his freedom of movement, his access to employment, education and health.

The Committee acknowledged the complexity of the issue, which highlighted the insidious effects of the temporary admission on those who remain under this status for prolonged periods of time and which may lead to restrictions in the enjoyment and exercise of their human rights. However, the Committee was not convinced that the facts in the case under consideration were due to racial discrimination and it concluded to the non-violation of the Convention by the State party. Still, the Committee recommended to the State party to revise the regulations of the temporary admission status in order to limit as much as possible the encroachments on the exercise of the fundamental rights, in particular the freedom of movement.

CEDAW, at its 57th session (10 – 28 February 2014), adopted 2 Views and 1 decision declaring a communication inadmissible. It also decided to discontinue the consideration of 1 pending communication.

1. [Communication No. 34/2011, R.P.B. v. the Philippines](#) – **Court proceedings leading to the acquittal of perpetrator in rape case of a disabled girl discriminatory**

The case was submitted on behalf of a minor with sensory impairments (deaf and mute) who was victim of rape. She claims that the proceedings, which led to the acquittal of the alleged perpetrator, were discriminatory because the court based the acquittal on gender based myths and stereotypes and because she was not provided with reasonable accommodation on account of her disability, such as sign language interpretation.

While noting that State party's policy requires the provision of interpreting only when the deaf person "needs to be fully understood", the Committee established that "the provision of sign language interpretation was essential to ensure the author's full and equal participation in the proceedings, in compliance with the principle of equality of arms." It found a violation of article 2 (c) and (d) of the Convention on this account and recommended that the State party review its legislation and practice to guarantee the free and adequate assistance of interpreters, including in sign language, at all stages of the proceedings.

The Committee also found that the use of gender based myths and stereotypes by the court, as well as disregard for her specific situation as a deaf girl, amounted to a violation of article 2 (f) of the Convention.

2. [Communication No. 36/2012, Elisabeth de Blok et al.](#) – **Discontinuance of public maternity leave insurance for self-employed women in violation of right to maternity leave benefits**

The authors were six self-employed women, who gave birth, in the Netherlands, between June 2005 and March 2006. They could not receive a compensation for the loss of income during maternity leave, as, in August 2004, the previously existing public mandatory incapacity insurance for self-employed workers ceased to exist. As a consequence, self-employed women were no longer entitled to receive public maternity benefits and would have to take out private insurance if they wished to be covered against loss of income. When the authors tried to contract such insurance, however, most of them were dissuaded by the cost of the premiums. In addition, all insurers applied a two year restriction period during which no maternity benefit would be paid following the subscription of the insurance.

The Committee, in its conclusions, considered that the right to maternity leave benefits under article 11, paragraph 2 (b) of the Convention applies to self-employed women and not only to employees as claimed by the State party. It concluded that by removing the existing maternity leave scheme, the State party violated the authors' rights under article 11 (2)(b) of the Convention, given that they were left, de facto, with no maternity leave benefits after giving birth in 2005 and 2006. It further noted that in 2008, the public scheme providing for a maternity leave benefits for self-employed women in the Netherlands was restored, but pointed out that other self-employed women, in the authors' situation, could not claim any compensation for loss of benefits. Accordingly, the Committee recommended the payment of compensation to the authors and invited the State party to ensure that other women in a similar situation could receive compensation.

3. Follow-up to Views: [Communication 17/2008, Pimentel v Brazil](#) – compensation paid and general measures taken

In 2011, CEDAW had found violations of the Convention (in relation to access to health; access to justice; and in relation to the State party's due diligence obligation to regulate the activities of private health service providers) in the case of Ms Alyne Pimentel, an Afro-Brazilian woman who did not receive adequate medical attention during pregnancy complications and died as a result.

On 25 March 2014, the Permanent Mission of Brazil informed the Committee that, as per an agreement reached by the Government and the parties, it had paid an amount of compensation to the mother of Alyne exceeding 55,000 US dollars. The State party has also officially engaged itself, in an extrajudicial agreement, to provide further compensation to Alyne's daughter (which should normally exceed 30,000 US dollars). In addition to the compensation paid, the State party has conducted series of activities and reforms, resulting in an important decrease of maternal mortality in different parts of Brazil, giving effect to the general recommendations formulated by CEDAW in its Views regarding this case.

In February 2014, the Committee decided to close the follow-up dialogue on the case with regard to the victim's mother, with a finding of satisfactory implementation of the Committee's recommendations.

Human Rights Committee, at its 110th session (10 – 28 March 2014), adopted 15 Views finding a violation of the Covenant, 1 Views finding no violation of the Covenant, and 5 decisions declaring communications inadmissible. It also decided to discontinue the consideration of 15 pending communications.

1. [Communication 2155/2012, Paksas v. Lithuania](#) – Lifelong ban to run for president in violation of Covenant

This case was submitted by Rolandas Paksas, ex-president of the Republic, who claimed that his removal from office in April 2004 and lifelong ban to be a candidate at presidential elections violated the Covenant. The Lithuanian parliament removed Mr Paksas from office after the country's constitutional court found that he had unlawfully arranged Lithuanian citizenship for a Russian-born businessman. In May that year, the Seimas amended the electoral legislation to introduce the lifelong ban. The Committee considered that the lifelong disqualification to be a candidate in presidential elections, or to be prime minister or minister, were imposed on Mr Paksas following a rule-making process highly linked in time and substance to the impeachment proceedings initiated against him. The lifelong disqualifications imposed on him could not have been foreseen and lacked objectivity, and therefore amounted to an unreasonable restriction of the author's rights to be

elected and to have access to public service, under article 25 (b) and (c) of the Covenant. The Committee requested Lithuania to provide Mr. Paksas with an effective remedy, including through revision of the lifelong prohibition of the author's right to be a candidate in presidential elections or to be a prime minister or minister.

2. [Communication 1960/2010, Ory v. France](#) – Limitations on freedom of movement on travelling people

The author, a member of the "Traveller community" in France (Gens du voyage, an administrative term designating the Roma community in France) who lived in a caravan, was sentenced to pay a fine of 150 euros in November 2005 for not having a valid travel permit. Article 5 of Act No. 69-3 of 3 January 1969, which was applicable to the author, required persons living in a mobile shelter and who had no regular income to have a travel card which had to be stamped every three months, failing which they would be liable to criminal sanctions. The Committee recognized the State's need to check, for the purposes of maintaining security and public order, that persons who regularly change their place of residence are and remain identifiable and contactable. This in itself was not a breach of the right to liberty of movement and freedom to choose a residence (article 12 of the Covenant). However, the Committee determined that the requirement to have the travel card stamped at short intervals and to make a failure to fulfil that obligation subject to criminal charges, were not necessary and constituted disproportional restrictions to the right to liberty of movement and freedom to choose a residence. Accordingly, the Committee found a violation of the author's right under this provision and invited the State party to expunge his criminal record; to provide him with adequate compensation; and to review the relevant legislation.

3. [Communication 1885/2009, Horvath v. Australia](#) – Lack of effective reparation for ill-treatment by police

The author, who had been granted compensation in a civil court for the ill-treatment she was subjected to by police, claimed that she had been unable to receive the compensation because the police agents in question did not have assets to pay the debt owed to her. The Committee noted that the success of the author in obtaining compensation in her civil claim had been nullified by the impossibility to have the judgement adequately enforced due to factual and legal obstacles. The procedure established in the domestic law to remedy the violation of the author's rights proved to be ineffective and the compensatory award finally proposed to her had been inadequate to satisfy the requirements of an effective reparation under the Covenant. The Committee considered that in situations where the execution of a final judgment becomes impossible in view of the circumstances of the case, other legal avenues should be available in order for the State to comply with its obligation to provide adequate redress to a victim. In the present case the State party had not shown that such

alternative avenues existed or were effective. Accordingly, the Committee concluded that the facts described constituted a violation of article 2, paragraph 3 of the Covenant, in connection with articles 7, 9(1) and 17. The Committee requested Australia to provide the author with an effective remedy, including adequate compensation, and to review its legislation to ensure its conformity with the requirements of the Covenant

4. Follow-up to Views: Communication 1833/2008, *X. v. Sweden* – Residence permit granted to Afghan asylum seeker

In November 2011 the Committee had found a violation of articles 6 and 7 of the Covenant by Sweden for deporting an Afghan asylum seeker back to Afghanistan where he claimed risk of torture and other cruel, inhuman or degrading treatment or punishment, as well as threats to his life, due to his sexual orientation. The Committee requested Sweden to take appropriate measures to facilitate the author's return to Sweden, if he so wished.

In 2013, Sweden informed the Committee that the author had been granted a residence permit and could return to Sweden. After obtaining confirmation from the author the Committee decided in March 2014 to close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

5. Follow-up to Views: Communication 1542/2007, *Aboushanif v. Norway* – Retrial granted and compensation paid

In July 2008, the Committee had found a violation of article 14, paragraph 5, of the Covenant by Norway in the author's case because of the failure of the Court of Appeal to provide a duly reasoned judgement providing a justification for the denial of leave to appeal against his conviction for fraud and sentence to 20 months of imprisonment. The Committee requested Norway to provide the author with an effective remedy, including the review of his appeal before the Court of Appeals and compensation.

In 2013 the author informed the Committee that his case had been reopened, that a new indictment had been brought with a reduction of his sentence, and that he had received NOK 200,000 as compensation. In March 2014, the Committee decided to close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

CRPD, at its 11th session (31 March – 11 February 2014), adopted 2 Views finding a violation of the Convention.

1. Communication 8/2012, *X v. Argentina* – conditions of detention for disabled prisoner

This first case concerning Argentina relates to the issue of the right to access to adequate detention conditions and adequate and timely medical care and rehabilitation for a person with disability in detention. X was sentenced in 2011 to life imprisonment. While in pretrial detention,

he suffered a stroke which resulted in a cognitive disorder, partial loss of vision and mobility problems. He needs to use a wheelchair and requires personal assistance, as well as rehabilitation therapy. He is detained in the Federal Penitentiary Hospital of the Ezeiza, Complex No 1. The Committee found that the State party had not shown that the measures it had taken to improve access to the prison facilities, were sufficient to ensure the author's access to a bathroom and shower with features adapted for persons with disabilities, and to a recreational courtyard and nursing services as autonomously as possible, in breach of articles 9, paragraph 1 (a) and (b) (accessibility) and 14, paragraph 2 (liberty and security of the person) of the Convention. The Committee also considered that, in the light of the lack of accessibility and adequate reasonable accommodation, the author had been placed in precarious detention conditions, in breach of article 17 of the Convention (physical and mental integrity). The Committee requested the State party to take measures to prevent similar violations, including making sufficient and reasonable adjustments, when requested, to ensure persons with disabilities can access prison facilities and health care. It also invited the authorities to ensure that a lack of accessibility does not cause physical or psychological suffering that may amount to cruel, inhuman or degrading treatment.

2. Communication 2/2010, *Gröninger v. Germany* – integration subsidy scheme for persons with disabilities

The first case concerning Germany was submitted by Ms. Gröninger on behalf of her son, who was born with a disability referred to as 'spasticity'. After obtaining a certificate of secondary education, and completing a vocational training in the retail business, he tried in vain to find a job on the regular labor market. The central issue in the case is the application of the existing scheme for the provision of an "integration subsidy" that employment agencies have the discretion to grant to an employer who hires a person with disabilities. The Committee, while acknowledging that the integration subsidies' scheme was meant to encourage private employers to hire persons with disabilities, concluded that, in practice, the application process to be followed by employers to make use of the scheme was so complex and lengthy that it appeared to serve as a deterrent, rather than as an encouragement for employers, and that the person with disability had no possibility to take part in the process. The Committee therefore considered that the integration subsidies scheme, as applied in the author's case, was not in accordance with the State party's obligations under article 27, paragraph 1(h) (obligation to create an enabling and conducive environment for employment), read together with article 3, paragraphs a, b, c and e, article 4, paragraph 1(a) and article 5, paragraph 1 of the Convention. The Committee recommended to the State party to review the content and functioning of the scheme for the provision of integration subsidies to individuals who are permanently disabled. ■

Ireland solicits stakeholder input in the treaty body reporting online



- About
- TDs & Senators
- Oireachtas Business
- Visits & Events
- Watch & Listen
- Media Zone
- Education

[Home](#) > [Media Zone](#) > Press Releases

- Press Releases
- 2013
- 2012
- 2011
- 2010
- 2009
- Press Release Archive
- Accreditation

Have your say: Seanad Committee invites submissions on Civil and Political Rights

Later this year, the Government will present a key report on civil and political rights in Ireland to the United Nations Human Rights Committee.

24 February 2014

The Seanad Public Consultation Committee is inviting written submissions from interested groups or individuals on Ireland's performance in this area under international law.

Watch Oireachtas

- Latest News
- 12 June 14 [Public Service Oversight Committee calls for permanent electoral commission](#)
 - 11 June 14 [Statement from Seanad](#)

Irish Parliament takes an active role in a national reporting process by inviting various stakeholders to share their views on a draft national report. Parliament opened a page on its website to reach out a wider range of stakeholders (To go to the webpage, click here).

All human rights treaty bodies encourage States parties to engage with a wide range of stakeholders, including civil society organizations, national human rights institutions, academia and citizens, in preparation of State party reports to treaty bodies.

Ireland's Fourth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR) will be formally presented to Human Rights Committee in July 2014. The Seanad Committee (a Parliamentary Committee), founded in September 2011 to strengthen the dialogue with the public on public policy, invited public

submissions on the priorities and challenges facing Ireland in complying with its obligations under the treaty. The Committee has received 24 written submissions from civil society organizations and individuals and posted them all on its webpage:

(http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/public-consultation-seanad/submissions/)

Committee Chairman Senator Denis O'Donovan says, "With the Irish Government due to present a formal progress report later this year, it is timely that our cross-party Committee seeks the views of interested individuals and organisations on how well Ireland is meeting these obligations. The call for submissions on this important topic follows a very successful series of hearings on the rights of older people, curbing cancer through lifestyle changes and fostering social entrepreneurship." ■

A new web-page on the status of timely reporting and late/non-reporting States

A new [web-page on the status of late and non-reporting States](#) has been launched on the OHCHR website, as recommended by the 25th meeting of Chairpersons of human rights treaty bodies. This page identifies those States that have no overdue reports and contains the list of States with overdue initial and/or periodic reports. The page can also be searched by country or by treaty body

tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx

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List of States parties without overdue reports

States parties	Number of ratification or accession of human rights treaties and optional protocols that have reporting procedures	States parties	Number of ratification or accession of human rights treaties and optional protocols that have reporting procedures
Belgium	10	Norway	9
Canada	9	Paraguay	11
Czech Republic	9	Peru	11
Fiji	3	Poland	9
Germany	10	Portugal	10
Guatemala	10	Russian Federation	9
Holy See	5	Singapore	4
Kuwait	8	Tuvalu	3
Lithuania	10	United States of America	5
Mongolia	9	Uzbekistan	8
Montenegro	10	Venezuela (Bolivarian Republic of)	9
Niue	1		

Dans le but d'améliorer la capacité de coopération avec les mécanismes régionaux et internationaux

La Tunisie s'engage à renforcer sa coopération avec les mécanismes des droits de l'homme des Nations Unies

A l'occasion d'un séminaire tenu fin mai, la Tunisie s'est engagée en faveur de la création d'une mécanisme nationale dédiée et permanente à même de coordonner l'élaboration des rapports aux organes des traités des droits de l'homme et à l'Examen Périodique Universel (EPU), de coopérer avec les procédures spéciales du Conseil des droits de l'homme et, surtout, d'assurer un meilleur suivi de la mise en œuvre des recommandations.

Le Ministère de la Justice, des Droits de l'Homme et de la Justice Transitionnelle avec le soutien du Haut-Commissariat des Nations Unies aux Droits de l'Homme (HCDH) – Bureau de Tunisie - a organisé fin mai 2014 un séminaire sur « Les meilleures pratiques en termes de mécanisme national de coordination, de rédaction des rapports et de suivi des recommandations ».

Le Séminaire, qui a réuni près de 100 participants, avait pour objectif de plaider pour la mise en place d'un mécanisme propre à la Tunisie.

En effet, comme exposé par M. Dimiter Chalev, Représentant du HCDH en Tunisie, malgré sa volonté de coopérer avec les mécanismes internationaux en matière de droits de l'homme la Tunisie ne peut, en s'appuyant sur des arrangements *ad hoc*, remplir pleinement et dans les délais qui lui sont impartis ses obligations en matière d'élaboration des rapports et surtout en matière de suivi continu des recommandations. Cette situation découle notamment de la multiplication des mécanismes internationaux et régionaux en matière de droits de l'homme, des procédures et de l'accroissement du nombre de recommandations faites à la Tunisie – près de 500 en l'espace de cinq ans.

Fort de ce constat, le Ministre de la Justice, des Droits de l'Homme et de la Justice Transitionnelle s'est engagé en faveur de l'établissement, dans les meilleurs délais et en suivant une approche participative, d'un mécanisme



national permanent de coordination, de rédaction des rapports et de suivi des recommandations. A l'occasion du séminaire, un représentant du Ministère des Affaires Etrangères a par ailleurs partagé avec les participants une vision. La vision d'un mécanisme capable de développer une expertise et de construire une mémoire institutionnelle. Celle d'un mécanisme adoptant une approche holistique pour le suivi des recommandations; d'un mécanisme qui serait le portail de l'engagement entre la Tunisie et ses partenaires onusiens et régionaux ; et enfin d'un mécanisme ouvert vers ses partenaires nationaux.

Mme Shahrzad Tadjbakhsh, Chef de la Branche de l'Examen Périodique Universel au HCDH a mis en exergue les attentes du système des Nations Unies en matière de coopération et l'impact positif que pouvait avoir la création d'un mécanisme national de coordination sur cette coopération. Elle a par ailleurs donné des pistes méthodologiques pour l'adoption d'une mise en œuvre holistique des recommandations adressées par les différents mécanismes des droits de l'homme des Nations Unies. Sur la base des conclusions préliminaires d'une étude empirique en cours de réalisation, M. Paulo David, Chef de la Section du renforcement des capacités et de l'harmonisation au sein de la Division des traités relatifs aux droits de l'homme du HCDH a présenté les différentes typologies des mécanismes nationaux créés à ce jour - des mécanismes *ad hoc* aux mécanismes autonomes, en passant par des mécanismes interministériels - et a mis en exergue des bonnes pratiques, notamment en matière de mandat, composition, structure et financement.

Des représentants du Maroc, de la Moldavie et du Danemark ont par ailleurs partagé leurs expériences nationales en la matière. Au Maroc, l'établissement d'un





mécanisme institutionnellement distinct, doté de ressources considérables et disposant d'un large mandat en matière de promotion et de protection des droits de l'homme a eu un impact très positif sur sa capacité Maroc à rattraper le retard accumulé en matière d'établissement des rapports aux organes des traités. En Moldavie, l'une des forces du mécanisme mis en résidu en l'intégration des recommandations des mécanismes régionaux et internationaux dans un plan d'action national en matière de droits de l'homme, accompagné par le développement d'indicateurs et d'échéanciers pour en assurer le suivi. Chaque année, un rapport annuel sur la mise en œuvre du plan est produit, permettant ainsi d'évaluer les avancées, identifier les ajustements nécessaires et, si nécessaire, promouvoir des projets d'assistance technique. En tant qu'Institution nationale des droits de l'homme, l'Institut Danois des Droits de l'Homme est quant à lui en mesure d'adopter une approche globale. Il coopère avec le Gouvernement tout au long du cycle de soumission du rapport, de son élaboration au suivi de la mise en œuvre des recommandations et, en parallèle, il renforce les capacités de la société civile et l'aide à coopérer avec les mécanismes régionaux et internationaux des droits de l'homme.

Les présentations ont mis en évidence la pluralité des expériences et l'absence d'un modèle unique applicable indépendamment du contexte national. Sous la modération de Yadh Ben Achour, membre du Comité des droits de l'homme, les participants à la session dédiée à la présentation des différentes expériences nationales, ont par ailleurs mis la Tunisie en garde contre ce qui a été qualifié « d'illusion institutionnelle » à savoir une augmentation de la bureaucratie qui contribuerait à compliquer les procédures plutôt qu'à les renforcer. A ce titre, plusieurs intervenants ont insisté sur le fait que le mécanisme doit rester léger, souple et malléable. Enfin, le rôle fondamental que joue la société civile qui sont « les yeux et les oreilles » de la Tunisie et sans laquelle il ne serait pas possible d'identifier la mise en œuvre concrète des droits de l'homme a été relevé à plusieurs reprises.

Les présentations ont également permis de mettre en évidence des bonnes pratiques en matière de suivi efficace des recommandations, notamment :

L'engagement nécessaire du mécanisme au travers de toutes les phases du cycle de soumission des rapports ; à savoir de l'élaboration du rapport au suivi de la mise en œuvre des recommandations ;

L'adoption d'une approche holistique ou intégrée pour la prise en compte des recommandations de tous les mécanismes onusiens des droits de l'homme ;

La classification et le regroupement des recommandations par thème afin d'en limiter le nombre et d'en permettre le suivi en utilisant notamment de nouveaux outils technologiques tels que l'Index universel des droits de l'homme (www.uhri.ohchr.org) ;

L'intégration de ces recommandations dans un plan d'action national établissant des priorités à court, moyen et long terme; plan qui serait chapeauté par le mécanisme ;

Le développement d'indicateurs et l'établissement d'échéanciers pour mesurer et encourager les progrès, identifier l'assistance technique nécessaire et pour permettre l'élaboration des prochains rapports sur une base plus scientifique ;

La préparation de rapports annuels et thématiques de manière transparente permettant ainsi de rendre compte de l'évaluation de la mise en œuvre des recommandations/du plan d'action et la large diffusion de ces rapports, notamment aux ministères et institutions concernées, ainsi qu'au parlement et au public dans son ensemble. Cette évaluation peut notamment servir d'outil pour prendre des mesures correctives ou promouvoir des demandes d'assistance technique.

A l'issue de riches et intenses discussions conduites au sein de deux groupes de travail de manière très constructives sur le mandat, la composition, la structure et le financement du futur mécanisme national de coordination, de rédaction des rapports et de suivi des recommandations tunisien les participants ont formulé des recommandations à l'attention des autorités. Ces recommandations appellent notamment la Tunisie à adopter rapidement un Décret pour la mise en place d'un mécanisme national permanent de coordination, rédaction des rapports et suivi des recommandations qui servirait de vecteur de coopération entre la Tunisie et les mécanismes internationaux des droits de l'homme; à doter ce mécanisme d'une structure autonome composée de représentants de divers Ministères et d'un mandat large et précis; à assurer la consultation et la participation active de toutes les parties prenantes concernées au niveau national, y compris les institutions nationales de défense des droits de l'homme, les acteurs de la société civile, le monde universitaire, le corps judiciaire et le Parlement; à allouer un budget dédié au mécanisme national permanent, rattaché directement au budget général et approuvé par le Parlement; et à mettre en place dans les meilleurs délais un Comité de pilotage comprenant notamment des représentants des Ministères concernés et du HCDH pour lancer le processus d'établissement du mécanisme tunisien. ■

Training workshop in St. Maarten and the Bahamas



Febbruary 2014 – Since St. Maarten has become an autonomous State within the Kingdom of the Netherlands, it is responsible for reporting to the Kingdom in order for the Netherlands to discharge its reporting obligations under international human rights treaties. OHCHR took the opportunity to extend its technical assistance to the Bahamas, a country keen to catch up on its reporting obligations.

The training workshops were organized by the Directorate of Foreign Relations of the Ministry for General Affairs in St. Maarten and the Office of the Attorney-General of the Bahamas and attended by representatives from various ministries and government offices involved in human rights reporting. It is notable that a majority of participants in both countries were women, 21 out of 25 participants in St. Maarten and 26 out of 32 in the Bahamas.

Both training workshops covered the overview of the UN human rights protection system, reporting process under human rights treaties, substantive provisions of the treaties of concern, follow-up and implementation of the recommendations from the UN human rights mechanisms including treaty bodies.

Following an in-depth training on reporting procedures, the discussion on implementation focused on a holistic approach instead of a compartmentalised manner. The presentation highlighted the practical advantages of mapping recommendations which cover the UPR, special procedures and treaty bodies, prioritising,

identifying activities for implementation, identifying responsible offices and partners, timeframes and indicators of achievement to mark progress. Participants were provided with compilations of recommendations already grouped under subject headings which included recommendations from all relevant treaty bodies, UPR and special procedures for St. Maarten and the Bahamas, respectively.

The participants were divided into groups according to subject headings (legislative reform, administration of justice, juvenile justice, discrimination, trafficking, violence, health, education, employment, disadvantaged groups, data collection, awareness-raising and training). Each group reviewed the recommendations and mapped the priorities, identifying the activities required to implement the recommendations, identifying the lead offices and other partners, indicating timeframes for implementation, and indicating benchmarks. The positive aspects of having a national human rights plan of action and a standing national coordination mechanism were highlighted.

The workshops ended with a brief overview of the website of OHCHR, including the webpages of the various treaty bodies, the Human Rights Council and special procedures. An overview of the new treaty body documentation database was also provided along with a review of some of the publications and training materials available. Both groups were also provided with general information on treaty body strengthening and the intergovernmental process and possible impacts with respect to reporting, page limitations, and technical assistance. ■

***Training for civil society representatives in Turkey galvanizes support
for integrated approach to reporting and follow-up***

***OHCHR trains cross-section of Turkish NGOs on engagement with
international human rights mechanisms***

The training focused on Turkish NGO engagement with the three international human rights mechanisms: treaty bodies, special procedures, and the Universal Periodic Review (UPR). The 31 participants, 65% of which were women and 35% were men, from different parts of the country (Diyarbakir, Trabzon, Adana, Istanbul and Ankara), represented NGOs working on general human rights issues, disability rights, women's rights, and LGBT rights. The training was supported by UNDP and the UN Human Rights Theme Group.

Since the second cycle review of Turkey will take place in Jan/Feb 2015, an informal consultation was also organized between members of the UNCT and the NGOs regarding their respective reports to the UPR. Participants greatly appreciated the opportunity to learn how to actively seize and engage with UN human rights mechanisms. Some NGOs felt empowered to train fellow NGOs at the regional level on the same topics. The materials for the training will be translated by the UNCT into Turkish for dissemination to the participants.

The training was characteristic of OHCHR's integrated approach to the different international human rights mechanisms. Holistic implementation of treaty body, special procedures and UPR recommendations, clustered thematically and prioritized, strengthens and streamlines the implementation of international human rights obligations at the national level.

In this spirit, several countries have developed action plans for the integrated implementation of recommendations, with benchmarks derived from the recommendations and with timelines. Such a plan is best supported by a standing high-level national reporting and coordination mechanism (SNRCM) which allows for the accumulation of institutional knowledge avoids duplications and ensures coherence and consistency in the implementation of recommendations from various mechanisms. Such a mechanism would ideally see wide participation, including line Ministries, state entities, the national human rights institution, and NGOs, as well as enjoy the support of the international community and the UN system. ■

Elections for 4 Committees CRPD-ICCPR-CRC-CEDAW

On 10 June 2014, the 7th session of the Conference of States parties to the Convention on the Rights of Persons with Disabilities (CRPD) re-elected Ms. Theresia Degener (Germany), Mr. Hyung Shik Kim (ROK), Mr. Stig Langvad (Denmark), and Mr. Damjan Tatic (Serbia). The committee also elected Ms. Carlos Parra Dussan (Colombia), Mr. Coomaravel Pyaneandee (Mauritius), Mr. Jonas Ruškus (Lithuania), Mr. Liang You (China), and Mr. Danlami Umaru Basharu (Nigeria) as new members. The (re)elected members will start their term as of 1 January 2015. A gender ratio in the Committee's membership will remain unchanged, with 11 male members (61%) and 7 female members (39%).

On 24 June 2014, the 34th meeting of States parties to the International Covenant on Civil and Political Rights (ICCPR) elected the following 9 candidates as member of the Human Rights Committee to serve from 1 January 2015 to 31 December 2018: Mr. Yadh Ben Achour (Tunisia); Ms. Sarah H. Cleveland (United States of America); Mr. Olivier de Frouville (France); Mr. Yuji Iwasawa (Japan); Ms. Ivana Jelić (Montenegro); Mr. Duncan Muhumuza Laki (Uganda); Ms. Photini Pazartzis (Greece); Mr. Mauro Politi (Italy); and Ms. Margo Waterval (Suriname). The by-election to replace a member who resigned elected Mr. D. B. Seetulsingh (Mauritius) by acclamation to serve until 31 December 2016.

On 25 June 2014, the 15th meeting of States parties to the Convention on the Rights of the Child (CRC) elected the following 9 candidates to serve from 1 March 2011 to 28 February 2015: Ms. Suzanne Aho Assouma (Togo); Ms. Hynd Ayoubi Idrissi (Morocco); Mr. Jorge Cardona Llorens (Spain); Mr. Bernard Gastaud (Monaco); Mr. Hatem Kotrane (Tunisia); Mr. Gehad Madi (Egypt); Mr. Clarence Joseph Nelson (Samoa); Mr. José Angel Rodríguez Reyes (Bolivarian Republic of Venezuela); and Ms. Kirsten Sandberg (Norway).

On 27 June, the 18th meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) elected the following 12 candidates to serve from 1 January 2015 to 31 December 2018: Ms. Ayse Feride Acar (Turkey); Ms. Gladys Acosta Vargas (Peru); Ms. Magalys Arocha Dominguez (Cuba); Ms. Naéla Mohamed Gabr (Egypt); Ms. Ruth Halperin-Kaddari (Israel); Ms. Yoko Hayashi (Japan); Ms. Lilian Hofmeister (Austria); Ms. Ismat Jahan (Bangladesh); Ms. Kheira Mahdjoub-Ouiguini (Algeria); Ms. Lia Nadaraia (Georgia); Ms. Pramila Paten (Mauritius); and Ms. Patricia Schulz (Switzerland). ■

Deputy High Commissioner Flavia Panseri visits Torture Fund project in Cambodia

In her first visit to Cambodia as Deputy High Commissioner for Human Rights (DHC), in April 2014, Flavia Panseri visits the [Transcultural Psychosocial Organization \(TPO\)](#), an organization assisting victims of atrocities committed by the Khmer Rouge regime.

TPO, a grassroots-organization active since 1995, has been a beneficiary of the UN Voluntary Fund for Victims of Torture beneficiary (UNVFVT) since 2010.

The briefing by the staff on the work of the TPO was followed by a discussion on the legacy of the Khmer Rouge atrocities on modern-day Cambodia and on the importance of ensuring appropriate mental health assistance and counselling as the Cambodian people seek to exercise their right to the truth and justice through the proceedings of the Khmer Rouge trials (Extraordinary Chambers in the Courts of Cambodia, ECCC).

The DHC was warmly welcomed by Executive Director, Dr. Chhim Sotheara, who was awarded a human rights award by the Leitner Center for International Law and Justice at Fordham Law School in New York City in recognition of TPO's exceptional work in addressing the needs and rights of those suffering from mental health challenges in Cambodia.

The visit provided an opportunity for the Office of the High Commissioner for Human Rights to recognize the important work of grassroots grant-recipients assisting victims of torture. ■



UNVFVT

Mali: OHCHR Torture Fund opens a new emergency project for direct assistance to victims of torture

Gao, April 2014 - Deputy Special Representative of the Secretary-General (DSRSG) in Mali, Abdoulaye Bathily, and the Representative of the Minister of Justice and Human Rights, Modibo Poudiougou, distributed "Dignity Kits", containing soap and basic hygienic items, to 100 women victims of sexual violence in Northern Mali.

Victims' representatives expressed their appreciation and stressed the importance of psycho-social as well as medical support for their recovery. They called for legal support to combat impunity for crimes and human rights violations, of which many women were victims, as well as economic support through income-generating activities.

The distribution of dignity kits was made possible through the support of the support of MINUSMA's Human Rights Division and the UN Fund for Victims of Torture (UNVFVT) which supported the "Le Collectif le Cri de Coeur" to provide assistance to victims of the 2012 violence in the country.

When opening the ceremony, which was attended by nearly 300 persons, including UN officials and government representatives, traditional and religious leaders, as well as civil society participants, DSRSG Bathily paid tribute to the people of Gao who resisted the occupation and urged the various communities in the region to live in the spirit of tolerance. The Chief of the MINUSMA Human Rights Division, for his part, recalled that the primary responsibility of States to assist and compensate victims of torture, as clarified by the Committee against Torture in its General Comment No. 3. He encouraged States to respect their international obligations and strengthen public institutions supporting victims, partnering with experienced and professional NGOs.

The United Nations Fund for Victims of Torture (UNVFVT) is a programme managed by OHCHR to rebuild victims' lives and to restore their dignity by providing direct assistance. Humanitarian, medical, psychological, social, legal and financial aid makes a difference in the lives of people whose human rights have been severely violated as a result of torture. ■

UN torture prevention body's welcomes Nigeria willingness to prevent torture in a purposeful manner



The delegation, composed of Malcolm Evans, Chairperson of the SPT, Víctor Madrigal-Borloyz, SPT country rapporteur on Nigeria, as well as two members of OHCHR, discussed the effectiveness of measures taken by the authorities to bring Nigeria into compliance with its obligations to prevent torture and ill-treatment. It met with the National Committee on Torture, which was designated as a National Preventive Mechanism (NPM) - a body which OPCAT requires to be independent and which must have the authority and the capacity to visit any place where persons are deprived of their liberty. The SPT also held discussions with the National Human Rights Commission and members of civil society.

“We encountered deeply divergent views concerning the nature and extent of ill-treatment, coupled with a lack of consensus regarding how the problem ought to be addressed. We were pleased to hear that many are already convinced that the establishment of an independent NPM in accordance with the OPCAT would offer an ideal way forward. We share this view and believe that the time has now come to finally bring these obligations to life and to commence the journey along the path of effective prevention” said Malcolm Evans at the end the visit. ■

April 2014 - The United Nations Subcommittee on Prevention of Torture (SPT) carried out a high-level advisory visit to Nigeria to assist the Government on the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), ratified by Nigeria in 2009. The Subcommittee will submit its observations and recommendations in a confidential report to the Government.

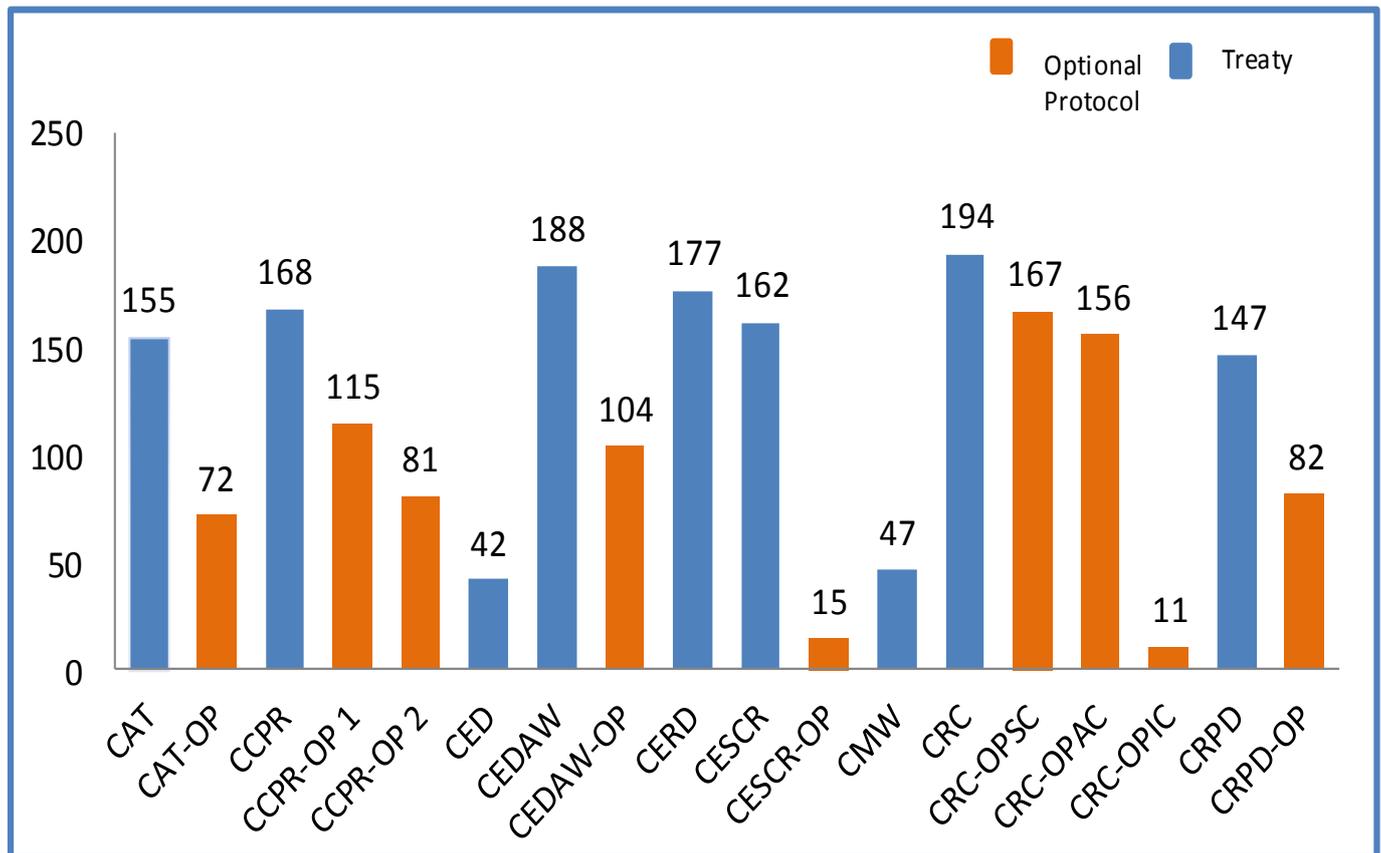
LATEST TREATY SIGNATURES - RATIFICATIONS - ACCESSIONS

April - June 2014

OTHERS

CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
*	Accession by the State of Palestine (02 April 2014)
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
*	Accession by the State of Palestine (02 April 2014)
OP-ICESCR	<i>Optional Protocol to the International Covenant on Economic, Social and Cultural Rights</i>
*	Ratification by Belgium (20 May 2014)
*	Ratification by Cape Verde (23 June 2014)
ICCPR	<i>International Covenant on Civil and Political Rights</i>
*	Accession by State of Palestine (02 April 2014)
OP-ICCPR-2	<i>Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty</i>
*	Accession by Gabon (02 April 2014)
*	Accession by El Salvador (08 April 2014)
*	Ratification by Poland (25 April 2014)
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
*	Accession by State of Palestine (02 April 2014)
CAT	<i>Convention against Torture and Other cruel, Inhuman or Degrading Treatment and Punishment</i>
*	Accession by the State of Palestine (02 April 2014)
CRC	<i>Convention on the Rights of the Child</i>
*	Accession by the State of Palestine (02 April 2014)
CRC-OPAC	<i>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict</i>
*	Accession by the State of Palestine (07 April 2014)
*	Ratification by Ethiopia (14 May 2014)
CRC-OPIC	<i>Optional Protocol to the Convention on the Rights to the Child on a communications procedure</i>
*	Ratification by Belgium (03 May 2014)
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
*	Accession by Angola (19 May 2014)
*	Ratification by Burundi (22 May 2014)
*	Accession by the State of Palestine (02 April 2014)
*	Accession by Switzerland (15 April 2014)
OP-CRPD	<i>Optional Protocol to the Convention on the Rights of Persons with Disabilities</i>
*	Accession by Angola (19 May 2014)
*	Ratification by Burundi (22 May 2014)

Status of ratification of international human rights instruments
(As of 27 June 2014)



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An overview of the ratification status is also accessible on:

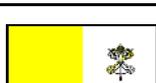
http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx

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APRIL - JUNE 2014

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	Eritrea	CEDAW	5 th periodic report CEDAW/C/ERI/5 (05/05/2014)
	Malawi	Common Core Document	HRI/CORE/MWI/2014 (25/06/2014)
 <p style="text-align: center;">ASIA AND THE PACIFIC</p>			
	Samoa	CRC	2 nd -4 th periodic report CRC/C/WSM/2-4 (24/04/2014)
	Mongolia	CERD	19 th -22 nd periodic report CERD/C/MNG/19-22 (22/05/2014)
 <p style="text-align: center;">EUROPE, NORTH AMERICA AND CENTRAL ASIA</p>			
	Bulgaria	Common Core Document	HRI/CORE/BGR/2014 (08/04/2014)
	Cyprus	Common Core Document	HRI/CORE/CYP/2014 (30/06/2014)
	Holy See	CERD	16 th -23 rd periodic report CERD/C/VAT/16-23 (16/06/2014)
	Latvia	CRPD	Initial report CRPD/C/LVA/1 (03/04/2014)
	Lithuania	CERD	6 th -8 th periodic report CERD/C/LTU/6-8 (11/06/2014)
	Monaco	CCPR	3 rd periodic report CCPR/C/MCO/3 (08/04/2014)
	Slovenia	CEDAW	5 th -6 th periodic report CEDAW/C/SVN/5-6 (19/05/2014)
		CERD	8 th -11 th periodic report CERD/C/SVN/8-11 (11/06/2014)
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	<p>United Kingdom of Great Britain and Northern Ireland</p>	<p>Common Core Document</p>	<p>HRI/CORE/GBR/2014 (17/06/2014)</p>
		<p>CRC</p>	<p>5th periodic report CRC/C/GBR/5 (27/05/2014)</p>
		<p>CESCR</p>	<p>6th periodic report E/C.12/GBR/6 (17/06/2014)</p>
			
<p>NORTH AFRICA AND MIDDLE EAST</p>			
	<p>Egypt</p>	<p>CERD</p>	<p>17th - 22nd periodic report CERD/C/EGY/17-22 (15/04/2014)</p>
	<p>Iraq</p>	<p>CED</p>	<p>CED/C/IRQ/1 (26/06/2014)</p>
		<p>CAT</p>	<p>Initial Report CAT/C/IRQ/1 (30/06/2014)</p>
	<p>Lebanon</p>	<p>CEDAW</p>	<p>4th - 5th periodic report CEDAW/C/LBN/4-5 (25/04/2014)</p>
			
<p>LATIN AMERICA AND THE CARIBBEAN</p>			
	<p>Argentina</p>	<p>Common Core Document</p>	<p>HRI/CORE/ARG/2014 (27/05/2014)</p>
	<p>Costa Rica</p>	<p>CAT</p>	<p>3rd periodic report CAT/C/CRI/3 (05/05/2014)</p>
		<p>CCPR</p>	<p>3rd periodic report CCPR/C/CRI/7 (05/05/2014)</p>
	<p>Honduras</p>	<p>CESCR</p>	<p>2nd periodic report E/C.12/HND/2 (17/06/2014)</p>
	<p>Panama</p>	<p>CRPD</p>	<p>Initial report CRPD/C/PAN/1 (26/06/2014)</p>

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- ... Treaty Body Database <http://tbinternet.ohchr.org>
- ... Universal Human Rights Index: A user-friendly search engine with access to all recommendations of treaty bodies, special procedures and the Universal Periodic Review (UPR): <http://uhri.ohchr.org/>
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