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Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General

### **Report of the Secretary-General on measures taken to implement resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system**

#### *Summary*

In its resolution 9/8 on the effective implementation of international human rights instruments, the Human Rights Council requested the Secretary-General to report annually on measures taken to implement resolution 9/8 and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing, and reforming the treaty body system. The present report briefly highlights the most recent developments in this regard. Chapter I of the report provides information on the activities that the treaty bodies have undertaken in 2012, including the number of State party reports considered and individual communications examined, and the latest developments in their working methods. Additional activities undertaken are also described. Chapter II provides an update on events in 2012 in relation to the treaty body strengthening process.

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## I. Introduction

1. In its resolution 9/8 on the effective implementation of international human rights instruments, the Human Rights Council requested the Secretary-General to report annually on measures taken to implement the resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system. The present report briefly highlights the most recent developments in this regard.

## II. Activities of the treaty bodies in 2012

2. Pursuant to General Assembly resolution 57/202, the report on the twenty-fourth meeting of the chairpersons of the human rights treaty bodies (A/67/222), held from 25 to 29 June 2012, was submitted to the Assembly at its sixty-seventh session. Following its decision to meet outside of Geneva every other year, the 2012 meeting of the chairpersons was held in Addis Ababa. At that meeting, the chairpersons, *inter alia*, adopted a set of guidelines on the independence and impartiality of members of human rights treaty bodies.

3. The total number of ratifications of all core human rights instruments stands at 2,139, of which 63 new ratifications were received in 2012. During 2012, human rights treaty bodies held 24 sessions amounting to 80 weeks of meetings in Geneva and New York (each session lasting from one to four weeks), during which 129 State party reports were reviewed in plenary sessions. In 2012, the sessions of the Committee on the Elimination of Racial Discrimination were extended by one week to address the backlog of reports awaiting review. As at 3 December 2012, treaty bodies had received a total of 119 State party reports, including 15 common core documents. A total of 291 reports are currently pending consideration.

4. Treaty bodies and the secretariat examined some 11,000 items of correspondence, and more than 130 new individual complaints received by the treaty bodies were registered. The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities examined and adopted final decisions on some 140 communications. They issued more than 52 requests for interim measures of protection in cases where lack of such protection might lead to irreparable harm for the petitioners. They also followed up on more than 100 decisions in which violations of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities had been found.

5. Treaty bodies continued to develop, improve and implement new working methods and, in some cases, amended their rules of procedure.

6. The Committee on the Elimination of Discrimination against Women introduced task forces for the consideration of States party reports, and also adopted a decision to strengthen the role of the country rapporteur regarding the consideration of reports, which includes guidelines on the role of the rapporteur, time management and other relevant issues, as well as a template for the country briefing note to be used by the country rapporteur.

7. The Committee on the Rights of the Child adopted the above-mentioned guidelines on the independence and impartiality of members of human rights treaty bodies at its sixty-

first session, in October 2012, and reference thereof will be introduced to its rules of procedure. The Committee also adopted a new format for its concluding observations.

8. The Committee on the Rights of Persons with Disabilities amended its rules of procedure to incorporate the above-mentioned guidelines on independence and impartiality. It moreover formally adopted a follow-up procedure.

9. The Committee on Enforced Disappearances adopted its rules of procedure (CED/C/1). The Committee also adopted its guidelines on the form and content of reports under article 29 to be submitted by States parties to the Convention at its second session, in March 2012. It furthermore adopted a procedure to send lists of topics to reporting States in order to prepare for the dialogue.

10. The Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted its amended rules of procedure at its eighteenth session, in November 2012. The Subcommittee also established working groups to examine reprisals; procedural issues, including difficulties of access to places of detention; systemic issues relating to the interaction of the Subcommittee with national preventive mechanisms; the induction and continuous training of members; and the revision of the Standard Minimum Rules for the Treatment of Prisoners.

11. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families also amended its rules of procedure to install a non-reporting procedure. In April 2012, the Committee adopted its first lists of issues prior to reporting. The Committee also reduced the length of its concluding observations and adopted a reporting calendar under which the Committee intends to consider all State party reports within a reporting cycle of five years as from 2014.

12. At its forty-ninth session, in November 2012, the Committee against Torture adopted its general comment No. 3 on redress for victims of torture (article 14 of the Convention). A number of general comments or general recommendations are in various stages of development with the different treaty bodies.

13. Treaty bodies and the secretariat continued efforts to harmonize and standardize their work, including at the 24th meeting of chairpersons.

14. In 2012, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment held meetings of States parties in Geneva and New York, essentially to hold elections to fill seats for which mandates had terminated. The Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on Enforced Disappearances, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Subcommittee on the Prevention of Torture held informal meetings with States parties. The meetings were well attended and provided an opportunity for States parties and treaty bodies to discuss the most recent developments in the work of treaty bodies, as well as other matters of common interest, in particular the efforts of treaty bodies to improve their working methods.

15. The Committee on the Elimination of Racial Discrimination held a day of thematic discussion on racist hate speech at its eighty-first session, in August 2012. The Committee on the Rights of the Child, at its sixty-first session, in September 2012, held a day of general discussion on the rights of all children in the context of international migration. The event was attended by more than 250 participants, including representatives of States, child rights and migration rights civil society actors, and child representatives. The Subcommittee on the Prevention of Torture, at its sixteenth session, in February 2012, organized a thematic discussion on mental health in places of deprivation of liberty. The

Human Rights Committee, during its one-hundred-and-sixth session, in October 2012, held a half-day discussion in preparation for its next general comment: an interpretative guidance on article 9 of the Covenant (right to liberty and security of the person, and freedom from arbitrary arrest or detention).

16. The Office of the United Nations High Commissioner for Human Rights (OHCHR) also conducted and participated in training on treaty body reporting and follow-up with regard to Angola, Burundi, Burkina Faso, Chad, Ecuador, the former Yugoslav Republic of Macedonia, Rwanda, Swaziland, Tunisia and Viet Nam. In 2012, the Committee on the Elimination of Discrimination against Women undertook one country visit with respect to an established enquiry. The Subcommittee on the Prevention of Torture undertook country visits to Argentina, Honduras, Kyrgyzstan, the Republic of Moldova and Senegal.

17. To celebrate the thirtieth anniversary of the Convention on the Elimination of All Forms of Discrimination against Women, three anniversary events were held in 2012. The first event was held during the fifty-second session of the Committee, in July 2012, in New York, and was attended by more than 500 people, including senior United Nations officials, the diplomatic community and representatives of civil society. On 18 October 2012, the Committee held another anniversary event, supported by OHCHR and the Organisation Internationale de la Francophonie, which was attended by more than 130 people, including senior United Nations officials, the diplomatic community and representatives of civil society. Two panel discussions were held on the human rights of women in situations of armed conflict and post-conflict, in French-speaking Africa; and on the prospects for the promotion and protection of women's rights to strengthen peace. A third anniversary event, held on 1 November, in Istanbul, and hosted by the Government of Turkey, attracted more than 150 people, including members of the Government and civil society. The date 26 June 2012 also marked the twenty-fifth anniversary of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **III. Update on the treaty body strengthening process**

18. On 14 September 2009, the High Commissioner, in her statement to the Human Rights Council, called on States parties to human rights treaties and other stakeholders to initiate a process of reflection on how to streamline and strengthen the treaty body system to achieve better coordination among these mechanisms and their interaction with special procedures and the universal periodic review. The High Commissioner made a similar appeal before the General Assembly on 21 October 2009.

19. A number of consultations were organized by stakeholders in direct response to the High Commissioner's call. In 2012, consultations for States parties were organized in Geneva, on 7 and 8 February, and in New York, on 2 and 3 April.

20. On 16 February 2012, the General Assembly, in its resolution 66/254, installed an open-ended intergovernmental process on treaty body strengthening, which, on 14 September 2012, it extended to its next session (resolution 66/295). To aid the implementation of the above-mentioned resolutions, the President of the General Assembly appointed the Permanent Representatives of Indonesia and of Iceland to the United Nations in New York as co-facilitators for the treaty body strengthening process.

21. In 2012, the High Commissioner submitted a report compiling the proposals made during the consultation process (A/66/860). The objective of the compilation is to identify synergies and potential for future common ground. One of the key proposals reflected in the report is to install a comprehensive reporting calendar. Since the release of the report, the Committee on Enforced Disappearances, the Committee on the Rights of Persons with Disabilities, the Committee on the Protection of the Rights of All Migrant Workers and

Members of Their Families , the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have, to varying degrees, taken action to further the scope of the report of the High Commissioner and begun to assess its implications.

22. During the twenty-fourth annual meeting of Chairpersons late in June 2012, the 10 chairpersons of treaty bodies welcomed the report of the High Commissioner and recommended that each treaty body should review carefully the specific recommendations addressed to treaty bodies and, in coordination, with other treaty bodies, keep the meeting of the Chairpersons informed about progress made on a biannual basis.

23. States parties engaged in a first round of informal negotiations from 16 to 18 July 2012 in New York. In her address made at the meeting, the Secretary-General stressed the importance of how the process would complement Geneva-based efforts by financially supporting the expansion of the treaty body system and, at the same time, preserving its independence. The debates were lively and many welcomed the report of the High Commissioner. The comprehensive reporting calendar proposal received much attention and questions, as did capacity-building with regard to reporting and implementation. The co-facilitators had invited the Chairperson and Vice-Chairperson of the twenty-fourth annual meeting of the Chairpersons of treaty bodies to attend the meeting; their inside knowledge and experience of the system was useful to the debates.

24. On 4 September, a civil society forum on strengthening the human rights treaty bodies, moderated by the co-facilitators of the intergovernmental process, was held in New York and, via video conference, also in Geneva.

25. In their progress report submitted to the President of the General Assembly, the co-facilitators recommended that a comprehensive cost review of the treaty body system should be provided in a background note to the renewed intergovernmental process by the end of 2012. Such a background note could contain detailed information on a number of costing issues, including the cost of the current system, including for conference services and documentation, as well as the additional resources required to clear the current backlog, the assessed allocation needed to fully service the current system and the unit cost of each element of the treaty body system.<sup>1</sup> The recommendation builds on those contained in the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system (A/66/344).

26. Negotiations are expected to resume early in 2013. Meanwhile, OHCHR continues to assist the process in any way required.

## IV. Conclusion

27. **Without pre-empting the outcome of the treaty body strengthening process, the need for significant resources remains crucial. At present, only one third of States parties comply in a timely manner with their reporting obligations; but even at such a low level of compliance, treaty bodies face serious structural difficulties when addressing their current workload. By the end of 2012, an average of 291 reports was pending consideration by the treaty bodies.**

28. **The growth of the treaty body system has never seen any commensurate increase in resources for each treaty body. Reviews of staffing and financial needs only take place in an ad hoc manner, usually on the adoption of a decision to request**

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<sup>1</sup> A/66/902, para. 29.

additional meeting time or when a treaty passes a milestone for expansion. Apart from such triggering events (for which the estimated requirements are rarely fully approved), there has been no comprehensive review of the workload and resourcing of the treaty bodies. The Secretary-General will work to ensure that the secretariat provides all information relating to the operational costs of the treaty body system, including the cost of the current system, including for conference services and documentation, as well as the additional resources required to clear the current backlog, as requested by the co-facilitators.

29. In order to create greater foreseeability and efficiency, the Secretary-General has also recommended the establishment of a fixed calendar for reporting, which allocates meeting time according to the number of State parties and the number of reports due. The High Commissioner fleshed out this proposal for a “comprehensive reporting calendar” in her above-mentioned report.

30. The Secretary-General continues to follow the intergovernmental process on treaty body strengthening with great attention, and hopes that the meaningful participation of all stakeholders in this process, including treaty body experts and civil society actors, will assist in bringing it to a fruitful conclusion at the next session of the General Assembly.

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