**REVIEW OF HUMAN RIGHTS TREATY BODIES**

**By**

**Professor Abubakar SR Matazu**

1. **INTRODUCTION**

There is no gainsaying the fact that three are ten treaty bodies, distinct from charter based protection and implementation of human rights. The human rights treaty bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx). Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty.

 At present, there are ten treaty bodies of which nine monitor the implementation of the eight core international human rights treaties and one, the [Subcommittee on the Prevention of Torture](http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx) (SPT), monitors the Optional Protocol to the Convention against Torture. Each Treaty Body takes its name from the Convention under which it was established. So, for example, the [Committee on the Elimination of Racial Discrimination](http://www2.ohchr.org/english/bodies/cerd/) monitors implementation of the International Convention on the Elimination of all forms of Racial Discrimination. The exception is the Treaty Body established under the International Covenant on Civil and Political Rights which is referred to simply as the [Human Rights Committee](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx). The Treaty Bodies are mandated to carry out several activities in fulfilling their function of monitoring the implementation of State Parties’ obligations under the treaties.

Below is the list of these treaty bodies

* Committee on the Elimination of Racial Discrimination (CERD)
* [Committee on Economic, Social and Cultural Rights](https://www.ohchr.org/EN/HRBodies/CESCR/pages/cescrindex.aspx) (CESCR)
* [Human Rights Committee](https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx) (CCPR)
* [Committee on the Elimination of Discrimination against Women](https://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx) (CEDAW)
* [Committee against Torture](https://www.ohchr.org/EN/HRBodies/CAT/pages/catindex.aspx) (CAT)
* [Committee on the Rights of the Child](https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx) (CRC)
* [Committee on Migrant Workers](https://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx) (CMW)
* [The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)](https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx)
* [Committee on the Rights of Persons with Disabilities](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx) (CRPD)
* Committee on Enforced Disappearance (CED)

The treaty bodies meet in Geneva, Switzerland. All the treaty bodies receive support from the Human Rights Treaties Division of OHCHR in Geneva.

It is worthy of note that, all Treaty Bodies (except SPT) do the following;

* Receive and consider reports submitted by States Parties on progress in implementing their obligations under the treaties, and issue concluding observations and recommendations for strengthened implementation.
* Develop general comments interpreting provisions of their respective treaties.

Some treaty bodies are also mandated to perform additional functions, such as:

* Considering individual communications or complaints.
* Considering interstate complaints.
* Conducting or initiating inquiries.
* Conducting investigations through country visits.

1. **SPECIFIC REVIEW OF TRETY BODIES**
   1. **Committee on the Elimination of Racial Discrimination (CERD)**

The Committee on the Elimination of Racial Discrimination is a treaty body comprised of eighteen independent experts and established by the International Convention on the Elimination of all forms of Racial Discrimination, with the task to supervise and monitor the implementation of the Convention. It performs its supervisory role primarily on the basis of close examination of periodic reports submitted by the State Parties, taking in to account other sources, including Non-governmental organisations.

Regards being had to the rules of procedure, the Committee will be found to commit its activities to achieving excellence in what does. With ninety nine rules, the work of the Committee seems to be well detailed.

However, one would not simply gloss those provisions, without making input on how best other issues could be addressed, in making its functions well-orchestrated.

Notwithstanding the above characteristic feature of the Committees rule of procedure, Rule 26, speaking on official working languages, it provides that, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee. Preferably, other languages with larger speakers, such as Arabic should be considered for inclusion whenever the need arises.

* 1. [**Committee on Economic, Social and Cultural Rights**](https://www.ohchr.org/EN/HRBodies/CESCR/pages/cescrindex.aspx)

This Committee is also a United Nations’ committee of eighteen experts that usually sits twice per year to consider the five yearly reports submitted by UN member states on their compliance with the International Convention on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights (CESCR) is the body of [independent experts](https://www.ohchr.org/EN/HRBodies/CESCR/Pages/Membership.aspx) that monitors implementation of the [International Covenant on Economic, Social and Cultural Rights](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx) by its States parties. The Committee was established under [ECOSOC Resolution 1985/17](http://ap.ohchr.org/documents/E/ECOSOC/resolutions/E-RES-1985-17.doc) of 28 May 1985 to carry out the monitoring functions assigned to the [United Nations Economic and Social Council (ECOSOC)](http://www.un.org/esa/coordination/ecosoc/) in Part IV of the Covenant.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of accepting the Covenant and thereafter every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, the [Optional Protocol to the International Covenant on Economic, Social and Cultural Rights](https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCESCR.aspx), which entered into force on 5th May 2013, provides the Committee’s competence to receive and consider [communications](https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx) from individuals claiming that their rights under the Covenant have been violated. The Committee may also, under certain circumstances, undertake inquiries on grave or systematic violations of any of the economic, social and cultural rights set forth in the Covenant, and consider inter-state complaints.

The Committee meets in Geneva and normally holds two [sessions](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR) per year, consisting of a three-week plenary and a one-week pre-sessional working group.

The Committee also publishes its interpretation of the provisions of the Covenant, known as [general comments](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11).

In view of the above therefore it is worth noting that, the activities of the Committee is not well felt especially by the developing and under developed countries. This, therefore calls for proactive actions from the Committee.

There are abundant violations of socio-economic and cultural rights but the presence of the Committee is hard to be seen.

The meeting sessions which is usually twice per should be reviewed to enable special meetings of the Committee, whenever the need arises, not just to wait for the only two sessions provided.

* 1. [**Human Rights Committee**](https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx) **(CCPR)**

The Human Rights Committee is the body of [independent experts](https://www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx) that monitors implementation of the [International Covenant on Civil and Political Rights](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx) by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations”.

By this position, it could be alluded that, the four year interval of time within which states report to the Committee is yawning, regards being had to the fact that, violations of civil and political rights occur on daily basis, with attendant consequences of gross victimisation.

In this sense therefore, there is need to increase the number of times the Committee requests for the report to be submitted. There wouldn’t be any harm in the increase of personnel that would be able to analyse the reports being submitted by states, on time. This will enable victims of violations appreciate the activities of the Committee.

* 1. [**Committee on the Elimination of Discrimination against Women**](https://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx) **(CEDAW)**

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW), is an expert body established in 1982, is composed of 23 experts on women's issues from around the world.  
  
The Committee's mandate is very specific. It watches over the progress for women made in those countries that are the States Parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. A country becomes a State party by ratifying or acceding to the Convention and thereby accepting a legal obligation to counteract discrimination against women. The Committee monitors the implementation of national measures to fulfil this obligation.  
  
At each of its sessions, the Committee reviews national reports submitted by the States parties within one year of ratification or accession, and thereafter every four years. These reports, which cover national action taken to improve the situation of women, are presented to the Committee by Government representatives. In discussions with these officials, the CEDAW experts comment on the report and obtain additional information. This procedure of actual dialogue, developed by the Committee, has proven valuable because it allows for an exchange of views and a clearer analysis of anti-discrimination policies in the various countries.  
  
The Committee also makes recommendations on any issue affecting women to which it believes the States parties should devote more attention.

The 23 members of CEDAW, acknowledged as experts "of high moral standing and competence in the field covered by the Convention", are elected by the States parties. These elections have to meet the Convention's demands for equitable geographical distribution in membership and the requirement that CEDAW members represent "different forms of civilization as well as principal legal systems". Their terms last four years, with only half of the Committee members replaced each time elections take place. The meeting of States Parties is convened every other year by the Secretary-General at UN Headquarters in New York.

Notwithstanding the good initiative of having the Committee at hand, it is noteworthy that, it could do a lot, having the geographical widespread of its membership. This is so, as there are prevalence of more sexual crimes springing nowadays, with instances of rape cases on the high side, especially in Nigeria.

Four year interval for the receipt of report from State Parties is too much. It is left without review, there wouldn’t be an end to violence against women and young girls.

* 1. [**Committee against Torture**](https://www.ohchr.org/EN/HRBodies/CAT/pages/catindex.aspx) **(CAT)**

The Committee Against Torture (CAT) is the body of 10 [independent experts](https://www.ohchr.org/EN/HRBodies/CAT/Pages/Membership.aspx) that monitors implementation of the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx) by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every four years. The Committee examines each report and addresses its concerns and recommendations to the State Party in the form of "concluding observations".

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: the Committee may also, under certain circumstances, consider [individual complaints](https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx) or communications from individuals claiming that their rights under the Convention have been violated, undertake [inquiries](https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx#inquiries), and consider [inter-state complaints](https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx#interstate).

The [Optional Protocol](https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx) to the Convention, which entered into force in June 2006, creates the [Subcommittee on Prevention of Torture](https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx) (SPT). The SPT has a mandate to visit places where persons are deprived of their liberty in the States parties. Under the Optional Protocol, States parties shall establish a independent national preventive mechanisms for the prevention of torture at the domestic level which has also a mandate to inspect places of detention.

As of 2015, the Committee holds three four-week sessions per year in April-May, July-August and November-December.

The Committee also publishes its interpretation of the content of the provisions of the Convention, known as [general comments](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=11) on thematic issues.

Regards being had to cruel nature of some individuals and security personnel during interrogations, there is the need to have the enlarged Committee’s membership, so that the activities of the Committee would be seen to be efficient and effective. In the same vein, a lot needs to be done on the aspect of monitoring.

* 1. [**Committee on the Rights of the Child**](https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx) **(CRC)**

The Committee on the Rights of the Child (CRC) is the body of [18 Independent experts](https://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx) that monitors implementation of the [Convention on the Rights of the Child](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx) by its State parties. It also monitors implementation of two Optional Protocols to the Convention, on [involvement of children in armed conflict](https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx) and on [sale of children, child prostitution and child pornography](https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx). On 19 December 2011, the UN General Assembly approved a third Optional Protocol on [a communications procedure](http://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf), which will allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. The Protocol entered into force in April 2014.

The CRC is the first binding international human rights instrument incorporating in the same text social, cultural, economic, civil and political rights. The Committee on the Rights of the Child exists to monitor progress achieved in the realization of children’s rights.

Notwithstanding the fact that tis committee is the first binding instrument, the monitoring aspect of this Committee is not farfetched. There are so many rights of a child being trampled three months old girl was abducted and raped, defilement and all sort of abuses not envisaged by thee convention. Much is left to be done, as the Committee now has a lot to do, in respect of monitoring, to curtail the evil forces of the violators. The CRC is the first binding international human rights instrument incorporating in the same text social, cultural, economic, civil and political rights. The Committee on the Rights of the Child exists to monitor progress achieved in the realization of children’s rights

* 1. [**Committee on Migrant Workers**](https://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx) **(CMW)**

The Committee on Migrant Workers (CMW) is the UN body of independent experts that oversees the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by its state parties. The Committee also known as the [Committee on Migrant Workers](http://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx) or CMW, oversees implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (“the [Convention](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx)“) through its consideration of State reports and inter-State complaints, and its preparation of general comments, substantive statements, and general discussion days. As of October 2019, [55 States](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&clang=_en) are parties to the Convention.

The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, also known as the [Committee on Migrant Workers](http://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx) or CMW, oversees implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (“the [Convention](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx)“) through its consideration of State reports and inter-State complaints, and its preparation of general comments, substantive statements, and general discussion days. As of October 2019, [55 States](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&clang=_en) are parties to the Convention.

The CMW consists of **14 independent experts** who are elected for a term of four years by State Parties to the Convention. *Article 72 of the* [International Convention on the Protection of All Migrant Workers and Members of Their Families](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx) provides that, each member must be a national of a State Party to the Convention, of high moral character, and have recognized competence in the field of international human rights. The CMW generally holds **sessions** **two times a year** in Geneva.

Regards being had to what is happening to migrant workers so far, it could be said to be worrisome, as there are cases of so much violations and abuses of migrant workers right and their families. The workers are considered to be a source of cheap labour with excessive hours of work compared to nationals of the countries they migrate.

* 1. [**The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)**](https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx)

                    The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“SPT”) is a new kind of treaty body in the United Nations human rights system. It has a preventive mandate focused on an innovative, sustained and proactive approach to the prevention of torture and ill treatment. Breadcrumb

                      The UN Subcommittee on Prevention of Torture (SPT) is the international body established by the OPCAT. Consisting of 25 independent experts, the SPT is the largest human rights treaty body of the United Nations.

                      The SPT has a dual mandate:

* To monitor conditions in detention and treatment of persons deprived of their liberty through country visits.
* To advise on OPCAT implementation, in particular support the establishing and functioning of National Preventive Mechanisms.

It is hoped that the Subcommittee will rise to the occasion in ensuring the establishment of state mechanisms for optimum result to be achieved in prevention of torture, cruel and inhuman treatment.

* 1. [**Committee on the Rights of Persons with Disabilities**](https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx) **(CRPD)**

The Committee on the Rights of Persons with Disabilities is the body of independent experts which monitors implementation of the Convention by the States Parties. The Committee shall meet in Geneva and normally hold two or three sessions per year.

The Committee will comprise 12 independent experts following the entry into force of the Convention.  Following an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six, to 18 independent experts.

Countries who have become party to the Convention (States parties) are obligated to submit regular reports to the Committee on how the rights of the Convention are implemented.  During its sessions, the Committee considers the reports of States parties and addresses its concerns and recommendations to the State party concerned in the form of concluding observations.  States parties must report initially within two years of accepting the Convention and thereafter every four years.

The Optional Protocol to the Convention gives the Committee competence to examine individual complaints with regard to alleged violations of the Convention by States parties to the Optional Protocol or to undertake inquiries in the case of reliable evidence of grave and systematic violations of the Convention.

In addition, and in keeping with the practice of other human rights treaty bodies, the Committee may also issue General Comments elaborating the meaning of the provisions of the Convention or cross-cutting themes.  The Committee may also hold Days of General Discussion with States, civil society, United Nations entities and other international organizations.

The existence of the Committee is a welcome development in as much as it will proactively pursue its mandate with vigour.

People living with disability are as well members of any given community, thus they should be treated with every sense of brotherhood, so that their talents could be tapped.

* 1. [**Committee on Enforced Disappearances**](https://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx) **(CED)**

The Committee on Enforced Disappearances (CED) is the body of independent experts which monitors implementation of the Convention by the States Parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of accepting the Convention. The Committee examines each report and shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. In accordance with article 31, a State Party may at the time of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention. The Committee shall meet in Geneva and normally hold two sessions per year,

Like all other committees, this one is also to be meeting in Geneva. Distance is never an issue as far as meeting of the committees is concerned.

1. **GENERAL REVIEW AND CONCLUSION**

In view of the foregoing review of the UN treaty bodies, it could be summed up that the existence of these treaty bodies is a welcome development, However the Committees need to be more proactive in achieving their mandates.

In the same vein, to ensure the efficient working s of the Committees, there is the need to create subcommittees, considering the time most committees meet and the distance always considered as the venue, i.e. Geneva.

In addition to this, since meetings are spaced, the Committees could consider some of their meetings to be held virtually, through different means and platforms. This will enable the treatment of reports received from State Parties with despatch.

In view of the languages adopted as the official languages for the workings of the Committees, it could be apt foe other internationally spoken languages to be incorporated, such as Arabic language.

It is however worthy of note that notwithstanding the existence of the Committees, there are prevalence of violations and abuses of rights. This however suggests for more to be done in terms of enlightenment.