

Annex II

Requirements, Responsibilities and Entitlements relating to Treaty Body Membership

The General Assembly, in resolution 76/160 on the promotion of equitable geographical distribution in the membership of the human rights treaty bodies, adopted on 7 January 2022, reiterates that the States parties should take into account, in their nomination of members to the human rights treaty bodies, that these committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of persons having legal experience and to equal representation of women and men, and that members shall serve in their personal capacity. The General Assembly also reiterates that, in the elections to the human rights treaty bodies, strong consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems (paragraph 1). In its resolution 68/268, adopted on 9 April 2014, the General Assembly encourages States parties to give due consideration, during the election of treaty body members to participation of experts with disabilities in the membership of the treaty bodies (paragraph 13).

The present paper was prepared to help potential candidates for membership in the United Nations Committee on the Rights of All Migrant Workers and Members of Their Families to understand the implications of being a member in regard to the time and other commitments that, if elected, they would be expected to uphold. Any questions on the contents may be directed to the Secretariat of the Committee at ohchr-cmw@un.org.

1. Committee-specific information

a. Mandate

The Committee is a body of 14 independent experts that monitors the implementation of the rights provided for under the International Convention on the Rights of All Migrant Workers and Members of Their Families by the States parties. The Committee was established under Article 72 of the Convention to carry out the functions set out in Part VII of the Convention. Committee members are elected at meetings of States parties for a term of four years.

b. Sessions

The Committee holds two sessions a year, of two week's duration each (each Northern Hemisphere spring, normally in March-April, and each Northern Hemisphere autumn, normally in September-October). *Barring any extraordinary circumstances, members of the Committee are expected to participate in the entire two sessions.*

c. Languages

The official languages of the United Nations are Arabic, Chinese, English, French, Russian and Spanish. "Official languages" refer to those languages in which official documentation is published.

During sessions of the Committee, interpretation is provided in English, French and Spanish, and a fourth UN language depending upon the State party concerned, i.e., either Arabic, Chinese, or Russian for open meetings, and English, French, and Spanish for closed meetings. The working

languages of the Committee are English, French, and Spanish. “Working languages” refer to those languages in which the internal working documents (mostly draft versions of texts to be adopted) are made available to the Committee. Other documents such as those relating to the working methods of the Committee and statements by the Committee or Chair are drafted in English and/or French.

The working languages of the United Nations Secretariat are English and French. Day-to-day communication with members takes place in English and French, and depending on the language capacity of the available staff, also in Spanish, as far as possible. In view of the growing constraints on the United Nations translation services, the Committee is increasingly confronting a situation of having to undertake its work without the language versions of documents.

d. Expertise

In accordance with article 72, paragraph 1 (b) of the Convention, the Committee shall be composed of nationals of States parties of high moral standing, impartiality and recognized competence in the field covered by the Convention. At the thirty-fourth annual meeting of the Chairs of the human rights treaty bodies, the Chairs emphasized the importance of the nomination and election process by States parties to ensure that independent experts and candidates from diverse backgrounds were elected to the treaty bodies (A/77/228, paragraph 31).

2. The work of Committee Members

a. Activities within the formal work programme of the Committee

Members of treaty bodies participate in all aspects of the work of a particular treaty body, bringing their valuable expertise and experience. Most treaty bodies consider State party reports, many also consider individual communications, conduct inquiries or visits, consider urgent actions – all depending on the specific mandate of the particular treaty body. Treaty bodies often also prepare general comments and statements, as well as organize discussion days on particular themes.

Official meeting time varies from three weeks to three months per year and meetings take place in Geneva. In between sessions, communication between members and with the secretariat or other partners is conducted through e-mail. Members are expected to engage actively in all aspects of the work of the treaty body, to prepare for the dialogues with delegations of States parties, to provide drafts texts and/or written comments on drafts, as well as to participate in other activities of the treaty body.

During the sessions, members of treaty bodies have challenging workloads, which may extend beyond the formal schedule of the session, such as informal meetings related to the State party reviews. In addition to the formal meeting hours with simultaneous interpretation in working languages, a number of informal briefings are usually organized for the members in the margins of the session, in one language only. In order to prepare for the session, members of treaty bodies may need to do a great deal of analytical and preparatory work prior to the session.

Information submitted by State parties as well as from a variety of civil society and United Nations partners is available to the experts in advance of the session in electronic format. It should be noted that the material is not as a rule available in all working languages of the treaty bodies in a timely manner. The United Nations is increasingly moving towards “paper-smart” meetings, and use of hard copies is being reduced or eliminated. Members of treaty bodies are also encouraged to conduct paper-smart green sessions by using their laptop computers and the extranet of their treaty bodies.

In addition to the monitoring function of the treaty body, members will have the opportunity to discuss the improvement of working methods of the treaty body and also be invited to contribute to broader discussions on the strengthening of the treaty body system. The Chairpersons of the treaty bodies further meet once a year to discuss issues of common concern and the harmonization of treaty body working methods. Members are expected to contribute to the more effective and efficient functioning of their treaty bodies by streamlining and harmonizing the working methods.

b. Other activities of the Committee

Members of the Committee may, depending on a variety of factors, be called upon to represent the Committee in official events that fall outside the scope of its normal work undertaken at its regular sessions as described above. Such activities may include training or awareness-raising activities on the Convention and the Committee at the national, regional or international levels, or other speaking engagements. Unless there is a specific allocation under the regular budget, there is no budget allocated to the Committee for activities outside its regular sessions.

3. Status, Conduct and Accountability of Treaty Body experts

Committee members are experts performing missions for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations. The independence and impartiality of members of the human rights treaty bodies requires that they serve in their personal capacity.

Section 22 of the Convention on the Privileges and Immunities of the United Nations establishes the detailed privileges and immunities accorded to experts on mission which are deemed necessary for the independent exercise of their functions during the period of their mission, which also includes travel time. The rationale for such privileges and immunities is to ensure that experts are free from any interference during their missions. It is important to note that privileges and immunities are granted to experts on mission in the interests of the Organisation and not for the personal benefit of the experts on mission.

As indicated in the Addis Ababa Guidelines, adopted at the twenty-fourth annual meeting of chairpersons of the treaty bodies, endorsed by most treaty bodies as self-regulatory guidelines, and noted in General Assembly resolution on 68/268 on treaty body strengthening (paragraph 36), members of treaty bodies have the responsibility to regulate their acts and behaviours in accordance with the rules of procedures of each treaty body and the Addis Ababa Guidelines.

Standards of conduct and accountability for experts on mission can be found in Secretary-General's bulletin ST/SGB/2002/9 entitled "Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission" (the Regulations). The Regulations from part of the terms of appointment of treaty body experts and cover issues relating to independence, conduct expected of a treaty body expert, including the prohibition of any form of discrimination or harassment, including sexual harassment, as well as physical or verbal abuse at the workplace or in connection with work, as well as accountability to the United Nations.

OHCHR supports the work of the human rights treaty bodies through the Human Rights Treaties Branch (HRTB). Staff members of HRTB follow the reporting lines of their supervisors under the supervision of Chiefs of Sections and overall responsibilities of Chief of HRTB. Working relations between staff members of OHCHR and the members of treaty bodies are based on mutual respect. One of HRTB's main responsibilities is to prepare, run and follow up treaty body sessions and

thereby staff members provide substantive and technical assistance to treaty bodies to discharge their mandate. For specific tasks undertaken by members of treaty bodies, members may request individual support from staff members and, in such cases, requests should be channelled through treaty body secretaries.

4. The entitlements of Committee Members

a. Travel to Geneva

The United Nations provides for the members of the human rights treaty bodies to travel to Geneva for their regular sessions. In accordance with the United Nations Financial Rules and Regulations and the United Nations Travel Regulations, the flights of treaty body members are arranged on the basis of a round-trip air ticket by the class immediately below first class (normally business class) via the most economical air fare and the most direct route (one stopover is generally considered to be reasonable for flights over nine hours). If a member requests a personal itinerary that is different from the officially authorized route, s/he will be required to pay the additional costs that it entails. Travel by other means than airplane may be accommodated, subject to United Nations Travel Regulations in the matter.

b. Daily Subsistence Allowance (DSA)

Membership in the treaty bodies is an unpaid, voluntary service to the United Nations. The United Nations provides, however, an elevated daily subsistence allowance (DSA) to treaty body members. The DSA is meant to cover the costs of accommodation, meals, local transportation, telephone costs, and other incidentals for the duration of the sessions in Geneva. Members are responsible for making their own accommodation and local transportation arrangements.

c. Medical insurance

All experts are responsible for providing for their own medical and life insurance. The United Nations does not provide for medical insurance or reimburse medical expenses. Experts are, however, covered for any “service-incurred” accidents that may arise as a function of their participation in official meetings or missions as indicated by the Secretary-General’s Bulletin on “Rules governing compensation to members of Commissions, Committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations” (ST/SGB/103/Rev.1).

d. Non-remuneration

Membership in the treaty bodies is an unpaid, voluntary service to the United Nations. There is no remuneration or honorarium for this service.

For additional information on workload and expectations as well as other practical details, please see the handbook for Human Rights Treaty Body Members at:

http://www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_EN.pdf