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Annual report of the United Nations High Commissioner
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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, harmonization and reform of 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 the resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness, harmonization and reform of the treaty body system. The present report is submitted in response to this request and covers the period from 1 January to 1 December 2013. Chapter II of the report contains an overview of developments in the intergovernmental process during 2013, and announces anticipated next steps. Chapter III focuses on the twenty-fifth annual meeting of chairpersons of the human rights treaty bodies, for which the main topics on the agenda were treaty body strengthening and harmonization of working methods. Finally, chapter IV provides an update on other developments relevant to Human Rights Council resolution 9/8 in 2013, including the status of treaty ratifications or accessions; communications and field visits; information on treaty bodies' meetings with States parties; cooperation among committees and with other mechanisms; action taken by the committees to ensure follow-up by States to their concluding observations; treaty body engagement with civil society; support provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to treaty bodies and harmonization among the secretariats of the respective treaty bodies; technical assistance; and visibility and accessibility of treaty bodies, including the use of modern technologies.

* Late submission.

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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, harmonization and reform of the treaty body system. This report is submitted pursuant to this request and covers the period from 1 January to 1 December 2013.

2. Improving the effectiveness of the treaty body system is a multi-stakeholder endeavour, as States parties and treaty bodies each have specific competencies. On 14 September 2009, the United Nations High Commissioner for Human Rights, 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. The High Commissioner made a similar appeal before the General Assembly on 21 October 2009. Since the treaty body strengthening process was launched in late 2009, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has encouraged and facilitated dialogue among various stakeholders with a view to generating proposals for strengthening the treaty bodies. In this context, consultations were held for academics (Lucerne, Switzerland, October 2011), treaty body members (Dublin, November 2011), United Nations entities (Geneva and New York, November 2011) and States parties (Geneva and New York, February and April 2012). In June 2012, the High Commissioner released a report (A/66/860) with concrete proposals to strengthen the treaty body system addressed to States parties, treaty bodies and United Nations entities. Areas in which OHCHR could strengthen its support for the treaty bodies were also identified.

3. The General Assembly, in its resolution 66/254, requested its President to launch an open-ended intergovernmental process aimed at strengthening the treaty body system. At the time of the drafting of this report, many elements contained in Human Rights Council resolution 9/8 were under discussion in the intergovernmental process on treaty body strengthening in New York. Chapter II of the present report provides an overview of developments in the intergovernmental process in 2013, and announces anticipated next steps. Chapter III focuses on the twenty-fifth annual meeting of chairpersons of the human rights treaty bodies, for which the main topics on the agenda were treaty body strengthening and harmonization of working methods. Finally, chapter IV provides an update on other developments relevant to Human Rights Council resolution 9/8 in 2013, including the status of treaty ratifications and accessions; communications and field visits; information on treaty bodies' meetings with States parties; cooperation between committees and with other mechanisms; action taken by the committees to ensure follow-up by States to their concluding observations; treaty body engagement with civil society; OHCHR support to the treaty bodies and harmonization among the secretariats of the treaty bodies; technical assistance; and visibility and accessibility of treaty bodies, including the use of modern technologies.

4. Many reports constitute useful background to the current report, including the Secretary-General's report on measures to further improve the effectiveness, harmonization and reform of the treaty body system (A/66/344), the previous report of the Secretary-General on implementing Human Rights Council resolution 9/8 (A/HRC/22/21), as well as the following reports of the chairpersons of the human rights treaty bodies: "Overview of the human rights treaty body system and working methods related to the review of States parties" (HRI/MC/2013/2), "Other activities of the human rights treaty bodies and participation of stakeholders in the human rights treaty body process" (HRI/MC/2013/3),

“Report on the implementation by the treaty bodies of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies” (HRI/MC/2013/4), and the report of the twenty-fifth meeting of the Chairpersons of treaty bodies, entitled “Implementation of human rights instruments” (A/68/334).

II. Update on the intergovernmental process on treaty body strengthening

5. Further to resolution 66/254, in which the General Assembly requested that an open-ended intergovernmental process be launched with the aim of strengthening the treaty body system, in April 2012, the President of the General Assembly appointed Greta Gunnarsdottir, Permanent Representative of Iceland to the United Nations, and Desra Percaya, Permanent Representative of Indonesia to the United Nations, as co-facilitators of the intergovernmental process. In September 2012, the co-facilitators submitted their report on the deliberations and recommendations of the intergovernmental process (A/66/902), as requested in resolution 66/254. However, given the relatively short amount of time for Member States to deliberate and consider the numerous issues raised during the intergovernmental process, no specific recommendations for action were finalized.

6. The co-facilitators recommended that the intergovernmental process be extended to the sixty-seventh session of the General Assembly, which was endorsed in resolution 66/295. In December 2012, the President of the General Assembly re-appointed the above-mentioned co-facilitators. The co-facilitators held the following consultations during the sixty-seventh session of the General Assembly:

(a) Two informal meetings with Member States, on 12 February and 10 September 2013 respectively;

(b) Three thematic and informal discussions, on 19 and 20 February, from 11 to 17 April and on 6 and 7 May 2013 respectively, with treaty body experts participating as resource persons;

(c) Informal briefings and meetings with delegations, human rights treaty bodies and civil society, during a visit to Geneva on 18 and 19 April 2013;

(d) Numerous bilateral consultations with Member States;

(e) Two meetings with the chairpersons of the treaty bodies, during their annual meeting in New York, on 20 and 24 May 2013;

(f) A number of videoconference meetings with human rights treaty bodies;

(g) Two civil society forums, on 26 February and 22 May 2013, to provide an opportunity for civil society to contribute to the discussion on strengthening and enhancing the effective functioning of the human rights treaty body system;

(h) “Informal-informals” on 11, 19, 21, 26 and 27 June, and 16, 23 and 25 July 2013 to discuss the elements for a draft resolution as an outcome of the intergovernmental process.

7. The three informal consultations with Member States, in February, April and May 2013, focused on the subjects identified in the non-exhaustive list of issues. The co-facilitators prepared a number of discussion notes and OHCHR prepared two question-and-answer papers as well as substantive papers at the request of the co-facilitators.

8. Taking into account the distinct competencies as well as experience of different stakeholders in the furtherance of the intergovernmental process, the co-facilitators called

for the participation of stakeholders, in particular members of the human rights treaty bodies. They invited treaty body experts to act as resource persons during the consultations in February, April and May 2013. Although their participation could not be financially supported owing to the limited resources available, members from various committees were nonetheless able to participate in the consultations with delegations and provided valuable insights.

9. The consultations with Member States in February 2013 focused on a number of issues related to the functioning of the treaty bodies, such as the simplified reporting procedure, the submission of common core documents, coordinated requests for additional meeting time, reducing the number of pages and setting page limits for the annual reports of treaty bodies, summary records, webcasting and videoconferencing. Additionally, discussions were initiated on proposals for policies and processes with respect to the nomination and election of experts to the treaty bodies.

10. The consultations with Member States in April 2013 focused on a number of issues related to State party reporting, such as the interactive dialogue between States parties and treaty bodies, focused treaty body concluding observations, dual chambers, a treaty body jurisprudence database and a joint treaty body working group on communications. Finally, substantial time was dedicated to discussing the importance of improving the capacity of States to fulfil their reporting obligations to the human rights treaty bodies. With respect to the latter, OHCHR, at the request of the co-facilitators, organized a workshop on 16 April 2013 on developing the capacity of States to report to treaty bodies and follow up on concluding observations, with the participation of senior human rights officers who had provided this type of technical assistance in OHCHR field presences, the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The workshop further featured the perspective of State representatives as well as one Resident Coordinator.

11. In an effort to consult treaty body experts, the co-facilitators requested to meet with a number of committees during their sessions in Geneva. These interactions were facilitated through videoconferences between New York and Geneva.

12. Two civil society forums were organized in the context of the intergovernmental process, on 26 February and 22 May 2013 respectively. These forums were intended to provide a platform and give an opportunity to civil society to contribute to the discussion in the intergovernmental process. The forums utilized videoconferencing to garner more participants from venues in New York and Geneva. At these meetings, various views and concerns were conveyed by representatives of civil society organizations, on both procedural and substantive issues.

13. The co-facilitators also held informal briefings and meetings with delegations, human rights treaty bodies and civil society in Geneva, on 18 and 19 April 2013.

14. The consultations with Member States in May 2013 focused on the proposal for a comprehensive reporting calendar, guidelines for the independence and impartiality of treaty body members and the resourcing of the treaty body system.

15. Subsequently, the co-facilitators suggested that the chairpersons of the treaty bodies hold their annual meeting in New York in May (instead of in Geneva in June) to provide an opportunity for both the co-facilitators and Member States to discuss the ongoing process. The discussions between the chairpersons and the co-facilitators, Member States and civil society are reflected in chapter III of this report.

16. On the basis of their consultations with Member States, the co-facilitators submitted two draft papers: their final report proposing the way forward, which contains a short introduction to each of the issues addressed and a recommendation based on the views of

the co-facilitators; and draft elements for a draft resolution on the intergovernmental process to be adopted by the General Assembly, which makes recommendations to the treaty bodies, the United Nations and its Member States. Several “informal-informals” and bilateral discussions were convened in June and July 2013 to discuss the elements for the draft resolution. Both documents are annexed to the co-facilitators’ report on the intergovernmental process (A/67/995) of 16 September 2013.

17. In their report, the co-facilitators indicated that more time was required to finalize the outcome. They noted that, in particular, fixed estimates of the budgetary implications of the elements suggested in the context of the intergovernmental process were required to provide a comprehensive overview of the impact of the suggestions made. The co-facilitators deemed that, once this information was provided, the intergovernmental process could be concluded through a final phase of concentrated negotiations among Member States.

18. The co-facilitators therefore recommended that:

(a) A report of the Secretary-General be requested on the practical and financial implications of measures proposed in the context of the intergovernmental process, to be submitted by 15 November 2013;

(b) The intergovernmental process be extended until February 2014;

(c) The final phase of negotiations be convened in early February 2014.

19. On 20 September 2013, the General Assembly, in resolution 68/2, extended the intergovernmental process until the first half of February 2014, with a view to finalizing the process, and agreed to continue the consideration of the elements for the substantive resolution. The General Assembly also requested the Secretary-General to provide, by 15 November 2013, a comprehensive and detailed cost assessment to provide background context to support the intergovernmental process.

20. On 6 November 2013, the President of the General Assembly appointed Greta Gunnarsdottir, Permanent Representative of Iceland to the United Nations, and Mohamed Khaled Khiari, Permanent Representative of Tunisia to the United Nations, as co-facilitators of the intergovernmental process.

21. On 15 November 2013, the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, submitted the background paper containing the cost assessment (A/68/606) to the President of the General Assembly. Chapter II of that paper gives an overview of the composition and functions of the treaty body system and sets out the current costs of the treaty bodies, as supported by the United Nations Office at Geneva, OHCHR and the United Nations Information Service at Geneva (UNIS). Chapters III and IV of the cost-assessment paper examine the potential cost implications of the proposals contained in the co-facilitators’ draft resolution if they were to be adopted by Member States. These include, on the one hand, measures which would require additional resources, namely extra meeting time, more staff support, webcasting, videoconferencing and capacity-building programmes to increase States parties’ compliance with their reporting obligations; and on the other hand, measures which would generate significant savings, such as the introduction of page limits for State party reports and the annual reports of the treaty bodies; reduction in the number of languages for issuing documentation and summary records and adjustments to the travel entitlement of treaty body members. The co-facilitators’ draft resolution proposes that any savings be reinvested in the treaty bodies.

22. Negotiations are expected to resume in January 2014. OHCHR has provided support to the co-facilitators of the intergovernmental process and will continue to assist the process in any way required.

III. Twenty-fifth meeting of chairpersons of the human rights treaty bodies

23. At the suggestion of the co-facilitators, the annual meeting¹ of chairpersons of the human rights treaty bodies was held in New York from 20 to 24 May 2013, with a view to enhancing synergies with the intergovernmental process on treaty body strengthening. The chairpersons met with the co-facilitators, consulted with States and exchanged views with groups of Member States and civil society.

24. The chairpersons welcomed the opportunity to exchange views with the co-facilitators, with the common goal of strengthening human rights protection worldwide by strengthening the treaty bodies, and reviewed the co-facilitators' paper on the way forward and made comments.

25. The co-facilitators' proposal on webcasting and captioning was generally welcomed by the chairpersons as it would ensure the integration of evolving technologies and contribute to increasing participation, including by persons with disabilities. The chairpersons noted that webcasting could contribute to formalizing the ad hoc arrangements currently in place, and suggested that digital recording, for example, could reduce the need for summary records. The chairpersons also welcomed the proposal for videoconferencing and highlighted the precedent set by the Committee on the Rights of the Child.

26. The co-facilitators noted that the adoption of the simplified reporting procedure (issuance of a list of issues prior to reporting) could become an important cost-saving measure, and updating the common core documents by way of an addendum should be considered. The chairpersons welcomed the proposal to strictly limit the number of pages of the reports and noted that addressing the backlog and coordinated requests for additional meeting time might create competition among the committees. The co-facilitators, however, stressed the need to avoid future ad hoc requests for additional resources.

27. Regarding an aligned methodology for the constructive dialogue between States parties and treaty bodies, the chairpersons highlighted that a uniform allocation (two meetings) for the interactive dialogue with a State party might not be meaningful in all cases, given the specificities of the States parties, and called for a degree of flexibility in that regard. They also asked for flexibility on other proposals, such as the issue of task forces, and the various methods of work that had been developed by each committee on the basis of its experience, composition and precedents.

28. With respect to reprisals, the chairpersons stated that there was a need for a collective response that would include measures of reparation. They suggested that each committee designate a focal point and that the creation of a joint body to address reprisals be explored.

29. Regarding the advantages and disadvantages of dual chambers, the chairpersons noted that, while there were clear benefits in terms of saving time and money, dual chambers would be difficult for smaller committees — such as the Committee against Torture, which has only 10 members — for which it could be difficult, if not impossible, to find a balanced composition for each chamber. The question was also raised as to how treaty body members who did not participate in the interactive dialogue could properly participate in adopting concluding observations.

30. The chairpersons recalled that consideration of States parties in the absence of a report was already provided for in a number of treaties and carried out by committees,

¹ See A/68/334.

albeit sparingly, especially for States with long-overdue reports. The real issue was lack of compliance by States parties, although cooperation was often forthcoming when the States were informed that they would be reviewed regardless of the submission of a report.

31. On 21 May 2013, the chairpersons held an informal consultation with States. In his opening statement, the Chair of the annual meeting stated that the success of the treaty body strengthening process would be measured by its ability to offer more protection to rights holders than was currently the case. He gave an overview of the unprecedented challenges confronting the treaty body system, such as the considerable backlog in reviewing States parties' reports and communications, and the high degree of non-compliance by States parties with their reporting obligations, which constituted a threat to the integrity, coherence and effectiveness of the system, as did the significant delay between the submission of reports and their review. The Chair criticized the severe underresourcing of the system, which forced it to rely to an unsafe degree on extra-budgetary resources and conveyed the deep concern of the chairpersons over cases of reprisals, including against human rights defenders who provided information to the treaty bodies. He called for greater access for civil society organizations from all States parties to the treaty bodies.

32. The Chair enumerated the principles and benchmarks that the chairpersons considered to be fundamental for the success of the treaty body strengthening process. As the principles are rooted in human rights treaty law, as developed and ratified by States, the chairpersons expect them to be faithfully reflected in both the process and outcome of the treaty body strengthening process.

33. Regarding the principles, the Chair stated that any outcome of the intergovernmental process should strengthen the human rights protection that the treaty body system offered, and ensure the independence and impartiality of the treaty bodies and their members.

34. At their twenty-fourth annual meeting in 2012, the chairpersons had endorsed the guidelines on the independence and impartiality of treaty body members (Addis Ababa guidelines),² which interpreted the concepts of independence and impartiality for treaty body members. These guidelines are based on pre-existing guidelines of the Human Rights Committee, relevant rules of procedure and decisions of other treaty bodies relating to independence. The Addis Ababa guidelines have since been incorporated, in one way or another, in the rules of procedure and practices of most committees, as documented in the report on the implementation by the treaty bodies of the recommendations contained in the report of the High Commissioner (HRI/MC/2013/4). That had given the Addis Ababa guidelines considerable weight.

35. The Chair further stated that any outcome of the intergovernmental process should be comprehensive and sustainable, and the treaty bodies should be equipped with the proper material and human resources from the regular budget to adequately carry out their responsibilities under the respective treaties.

36. The fourth principle raised was efficiency, which would be tested in the light of the goal of the treaty body system to respect, protect and promote human rights. In this context, all cost-saving measures should be fully reinvested in the system which has suffered dramatically from a lack of resources. As such, valuable capacity-building initiatives should not be undertaken at the expense of the already scarce resources of the treaty bodies, but rather additional resources should be made available for that purpose.

37. The intergovernmental process provided Member States and treaty bodies with a unique opportunity to bring the work of the treaty bodies up to date by allowing them to

² A/67/222, annex, and Corr.1.

take full advantage of technological developments, while at the same time making it universally accessible for persons with disabilities.

38. The Chair further highlighted that the strengthening process was, by definition, a multi-stakeholder process in which both States and treaty bodies had specific competencies. The chairpersons very much valued the dialogue in each committee as well as the informal consultation that was a permanent feature of the annual meeting of the chairpersons.

39. The Chair recalled that the treaties provide for the treaty bodies' rules of procedure and working methods to be determined by the treaty bodies themselves, and highlighted that the treaty bodies were committed to the continued harmonization of their working methods. He welcomed the report of the United Nations High Commissioner for Human Rights on treaty body strengthening.³ In conclusion, he stated that the treaty bodies had already invested greatly in developing possible solutions for a crisis that, if not attended to, could seriously weaken a system already under stress.

40. In the ensuing dialogue with Member States, the chairpersons emphasized the need to give the Addis Ababa guidelines — which they considered a valuable tool — time to be implemented and used before resolving to review them. They suggested the possibility of creating a joint treaty body working group to look into the issue of reprisals. On the reliability of sources, they mentioned their practice of cross-referencing various sources, including information from other human rights mechanisms and United Nations entities. The diversity of sources allowed them to better evaluate information received. The chairpersons underlined the importance of maintaining diversity with regard to languages and expressed the opinion that, in general, States' lack of compliance with reporting obligations was not only a matter of capacity, but also of political will, noting, however, that in the absence of additional resources and structural solutions, the current system could not cope with increased State compliance with their reporting obligations. While acknowledging the advantages of a comprehensive request for additional resources, the chairpersons cautioned about possible competition, and even conflict, among treaty bodies regarding the distribution of such resources and concluded that objective parameters would have to be drawn up.

41. On 22 May 2013, the chairpersons held informal consultations with civil society organizations and the International Coordinating Committee of national human rights institutions. A joint statement by 14 civil society organizations highlighted a number of priority areas for consideration by the chairpersons. All considered that the intergovernmental process provided a key opportunity for reminding States of their obligation to fully and effectively implement the recommendations and decisions adopted by the treaty bodies, to ratify all human rights treaties and their optional protocols, and to remove reservations that limited the scope of the treaties. Civil society organizations welcomed the alignment of the treaty bodies' working methods, and, given the increase in reprisals against civil society organizations and human rights defenders, they called upon the treaty bodies to develop common guidelines to address reprisals and to appoint focal points with a broad and clear mandate to take all possible steps to prevent and swiftly address reprisals. They also stressed the importance of the private meetings between treaty bodies and civil society organizations related to State reviews.

42. In the ensuing dialogue, civil society representatives underscored the value of the international human rights treaty system as the only forum in which individuals and groups could claim their human rights, while the treaty monitoring system offered a measure of State accountability for human rights implementation that, in some cases, was the only

³ A/66/860.

accountability available. They considered it essential that the treaty bodies should continue to review States parties in the absence of a report, and some further expressed the view that capacity-building assistance should only be made available to States parties that committed to promptly complying with their reporting obligations.

43. The chairpersons welcomed the valuable contribution of civil society organizations to the work of the treaty bodies, whether through submissions, inputs, hearings or briefings. They called on civil society to continue to actively participate in State party reviews as well as in the implementation of recommendations emanating from the treaty bodies.

44. As part of the programme of work of the meeting, the chairpersons considered the follow-up to the recommendations of their twenty-fourth meeting, held in Addis Ababa in 2012, and reviewed developments, including the implementation by treaty bodies of recommendations included in the report of the High Commissioner for Human Rights on strengthening the treaty body system. They also discussed the post-2015 development agenda and adopted a joint statement.⁴

45. The chairpersons noted that the harmonization of their working methods has always been an ongoing process, and would continue in the future. Each chairperson reported on developments within her or his respective committee, both in relation to the harmonization of working methods and to progress in implementing the recommendations contained in the High Commissioner's report. New developments included, but were not limited to, the use of modern technologies, including webcasting and close captioning (Committee on the Rights of Persons with Disabilities); adopting a simplified reporting procedure (Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families); reducing the length of concluding observations (Committee on the Rights of the Child, Committee against Torture); reporting calendars adapted to individual committees (Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearance); reorganization of working methods due to the entry into force of new protocols (Committee on Economic, Social and Cultural Rights) and requests for additional meeting time to meet growing demand.

46. On the issue of resources, the chairpersons pointed out that committees were already taking measures to reduce costs, such as issuing summary records in English only (Committee on the Elimination of Discrimination against Women) or the adoption of paperless procedures (Committee on the Rights of Persons with Disabilities).

47. The chairpersons also discussed how their respective committees conducted the interactive dialogue and the time devoted to each State party and to individual communications. The discussion revealed different practices in terms of the length of time for the consideration of a report, rapporteurs versus country task forces, or the clustering of provisions in the treaty.

48. The chairpersons expressed the need for a shared, broad, common proposal that provided for a predictable, clear and transparent State party reporting system, and agreed that the periodicity of a reporting calendar should not exceed five years. They further reiterated that any structured reporting and review calendar should meet the following criteria:

(a) Eliminate unequal treatment of States parties by operating on the basis of universal compliance with reporting obligations;

(b) Be regular and predictable, leading to efficient utilization of resources, and facilitate advance planning for all parties concerned;

⁴ A/68/334, annex.

(c) Follow as closely as possible the periodicity provided for in the treaties so as not to prejudice the legal reporting obligations of States parties;

(d) Non-reporting should be an exception and not the norm, and the calendar should not be permissive as regards non-reporting;

(e) Eliminate backlogs and ad hoc requests for meeting time to the General Assembly.

49. The chairpersons expressed their commitment to continue to align the working methods of the treaty bodies and decided to discuss the possibility of a common format for concluding observations and the possible alignment of the methodology for the interactive dialogue at their twenty-sixth meeting to be held in June 2014. They reiterated the recommendation made at their twenty-fourth meeting to adopt measures on working methods and procedural matters that were common across the treaty body system and that had previously been discussed within each committee. They agreed that such measures should be implemented by all the treaty bodies, unless a committee subsequently dissociated itself therefrom. They also reaffirmed their role in facilitating representation and coordination of common activities, such as consideration and adoption of joint statements, while respecting the autonomy and specificity of each treaty body.

50. The chairpersons affirmed their commitment to promote positive consideration of the recommendations contained in the report of the High Commissioner on strengthening the treaty body system, stressing that implementation should be collaborative and recommending that each treaty body annually update the meeting of chairpersons on progress made. They further recommended that the secretariat produce and regularly update an implementation report to enable the meeting of chairpersons to better review progress, bearing in mind that treaty body strengthening is an ongoing process. To that effect, the chairpersons decided to include treaty body strengthening and consideration of the recommendations contained in the report of the High Commissioner on the agenda of the next meeting.

51. The chairpersons also expressed deep concern over late and non-reporting by a number of States parties, and recommended that the secretariat post regular updates on late and non-reporting by States parties on the OHCHR website. They decided to include this topic as a standing item on the agenda of the meeting of chairpersons.

52. Finally, the chairpersons decided that their next meeting would focus on treaty body strengthening; late and non-reporting of States parties; and harmonization of working methods.

IV. Other developments relevant to Human Rights Council resolution 9/8

53. In 2013, a total of 43 new ratifications and accessions (compared to 70 in 2012) were deposited with the Secretary-General, bringing the total to 2,192 ratifications of and accessions to international human rights treaties and protocols, as well as acceptance of treaty provisions relating to individual communication procedures.

54. Also, 75 weeks of treaty body sessions were held in 2013, during which 135 States parties were reviewed. Treaty bodies with a State party reporting procedure received a total of 96 State party reports, including 12 common core documents. The Committee on Economic, Social and Cultural Rights made headway with the reporting backlog with an additional week of meeting time. However, as at 1 December 2013, over 300 State party reports were pending consideration. Engagement of civil society and other stakeholders is well established and the treaty bodies receive more than 1,000 written submissions from

civil society, national human rights institutions (NHRIs) and United Nations entities each year; over 1,000 observers attended treaty body public meetings in 2013.

55. Treaty bodies with a complaint procedure examined 116 communications in 2013. The Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities, and the Human Rights Committee issued 53 requests for interim measures of protection for alleged victims at risk of irreparable harm. The treaty bodies also followed up on over 100 decisions in which violations of international human rights treaties had been found. Between 1 January and 11 December 2013, the treaty bodies received and registered 130 new individual complaints. As at 1 December 2013, a total of 530 individual communications were pending review. The Human Rights Committee held a retreat in April 2013 to reflect on key challenges related to communications. The Committee on the Rights of Persons with Disabilities adopted a methodology for follow-up to its views, while the Committee on Enforced Disappearance issued nine requests for urgent action under article 30 of the Convention, registered its first communication and appointed a Special Rapporteur on New Communications and Interim Measures. The Committee on Economic, Social and Cultural Rights registered its first communication under the Optional Protocol to the Covenant and established a Working Group to address new communications and requests for interim measures.

56. OHCHR continued its advocacy for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in Burkina Faso, Guatemala, Kazakhstan, Mali, Mexico, Moldova, Paraguay, Peru, Senegal, Togo and the former Yugoslav Republic of Macedonia. These efforts contributed to the entry into force of this instrument which allowed the Committee to receive and consider complaints from individuals and States and to undertake inquiries as from May 2013 — a historical step reaffirming the justiciability of economic, social and cultural rights and providing increased protection to individuals. The individual complaint procedures of the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families are yet to enter into force.

57. The Subcommittee on Prevention of Torture carried out six missions in 2013, including three regular visits to New Zealand, Peru and Gabon, two advisory visits to Germany and Armenia, and one follow-up visit to Cambodia.

58. Several treaty bodies adopted general comments or general recommendations in 2013. These are authoritative statements that provide States parties with detailed and expert clarification of treaty provisions with a view to enhancing their understanding of treaty provisions and assisting them in implementing their treaty obligations.

59. The Committee on the Rights of the Child adopted four general comments on: the right of the child to have his or her best interests taken as a primary consideration (No. 14); the right of the child to the enjoyment of the highest attainable standard of health (No. 15); State obligations regarding the impact of the business sector on children's rights (No. 16); and the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (No. 17).

60. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted a general comment on the rights of migrant workers in an irregular situation and members of their families (No. 2). The Committee on the Elimination of Discrimination against Women adopted general recommendations on the economic consequences of marriage, family relations and their dissolution (No. 29) and on women in conflict prevention, conflict and post-conflict situations (No. 30), the latter coinciding with a Security Council debate on women, peace and security on 18 October

2013 which lead to the adoption of Council resolution 2122 (2013), aimed at strengthening women's political participation in peace processes.

61. The Committee on the Elimination of Racial Discrimination adopted general recommendation No. 35 on combating racist hate speech, which provides guidance on how to condemn such speech and combat prejudices leading to racial discrimination while also respecting other rights, including freedom of expression.

62. A number of treaty bodies held thematic debates with a view to deepening understanding of the application of their instruments in certain areas and, in some cases, with a view to gathering information for the preparation of a general comment or recommendation.

63. In 2013, the Committee on the Elimination of Discrimination against Women held general discussions on rural women (art. 14 of the Convention) and on access to justice (arts. 2 and 15 of the Convention); the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held a discussion on the role of migration statistics for treaty reporting and migration policies; while the Committee on the Rights of Persons with Disabilities facilitated a discussion on women and girls with disabilities.

64. Several treaty bodies also issued statements on specific issues or in the context of specific situations. As mentioned in paragraph 44 above, the chairpersons of the human rights treaty bodies adopted a joint statement on the post-2015 development agenda and human rights. The Committee on the Elimination of Discrimination against Women issued statements on the role of women in the process of political transition in Egypt, Libya and Tunisia and on strengthened cooperation with UN Women. The Committee against Torture issued a statement on reprisals, while the Committee on Enforced Disappearances issued a statement on the *ratione temporis* element in the review of reports submitted by States parties under the Convention.⁵ The Committee on the Rights of the Child issued statements on the importance of practical help in relation to girls' education and on the killing of Syrian children in alleged chemical attacks, and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families released a statement on the occasion of the 10th anniversary of the entry into force of the Convention.

65. In the reporting period, treaty bodies continued to develop, improve and implement new working methods and to harmonize and standardize their work. At the time of drafting this report, 8 out of 10 committees had amended their rules of procedure and/or annexed the Addis Ababa guidelines thereto. Some committees issued statements on the High Commissioner's report on strengthening the treaty body system (Committee on the Elimination of Discrimination against Women, Subcommittee on Prevention of Torture, Committee against Torture). The Human Rights Committee held joint meetings with the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

66. Most committees also held meetings with States parties to discuss the most recent developments in the work of the treaty bodies. On 22 April 2013, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families met with representatives of 24 States, during which it, inter alia, provided an overview of its activities, collaboration with stakeholders and working methods, including its simplified reporting procedure and fixed reporting calendar. The Human Rights Committee held an informal meeting with States parties on 22 July 2013 and the secretariat of the Human Rights Committee further provided 18 technical briefings to States parties prior to the

⁵ See http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fSUS%2f7250&Lang=en.

review of their report, and held 12 follow-up meetings with States on their concluding observations.

67. At its 54th session, the Committee on the Elimination of Discrimination Against Women adopted a revised follow-up methodology (A/68/38, annex III).

68. In addition to supporting the individual committees and the annual meeting of the chairpersons of the human rights treaty bodies, OHCHR continuously promotes the harmonization of the work of the treaty bodies and the secretariats supporting them. In 2013, OHCHR continued its online survey to solicit feedback from treaty body members on the support received from the Office in relation to all treaty body activities. As of the third quarter of 2013, the Office was using a similar online survey to gather feedback from human rights officers supporting the treaty bodies with a view to generating statistical data to be used to assess and enhance synergies in OHCHR to support the work of the mechanisms. OHCHR also organized weekly internal meetings with the secretaries of all the treaty bodies in order to stimulate sharing of good practices, coordinate activities, and optimize the support provided to the treaty bodies.

69. Treaty body-relevant expertise is further shared across the divisions of OHCHR to ensure the integration of a treaty body perspective across the organization, including in the context of country visits by the High Commissioner, with the aim of enhancing follow-up to the concluding observations of the treaty bodies. The participation of field presences in the treaty bodies' State party review processes has been further strengthened through the submission of written inputs and active participation via videoconference or physical representation during the meetings whenever possible, taking into account financial constraints.

70. OHCHR continued to make the Universal Human Rights Index (UHRI) available as a comprehensive, up-to-date tool for searching treaty body output; it compiles recommendations from treaty bodies, special procedures and the universal periodic review (UPR) and is continuously updated. The UHRI can be accessed through the OHCHR website (www.ohchr.org).

71. Moreover, OHCHR enhanced the functionality of the treaty body database and gradually integrated it into the OHCHR website with the goal of allowing for better information sharing with, and participation of, all stakeholders. OHCHR also continued to develop online systems to facilitate the management of civil society participation in the sessions of some committees.

72. OHCHR further continued to ensure that the outputs of the treaty bodies were duly reflected in the documentation for the UPR, more specifically in the compilations prepared by OHCHR.

73. In 2013, OHCHR disseminated 50 weekly updates and three quarterly newsletters of the Human Rights Treaties Division to civil society and other stakeholders. The quarterly newsletters are shared with Member States, United Nations partners, NHRIs and civil society organizations, and the weekly updates keep online subscribers around the world abreast of the work of the treaty bodies. A weekly broadcast is also circulated to all 172 treaty body experts and provides more detailed information on the treaty body sessions, the work of the Human Rights Treaties Division and issues of relevance to the work of the treaty bodies, so that each committee is aware of the work of the other nine committees.

74. Through Facebook and Twitter, as well other social media platforms, OHCHR has sought to increase the visibility of the treaty bodies, creating greater awareness of their findings, and increasing the number of stakeholders. On Facebook, a short summary of the discussion of each State party's report is posted with a link to the relevant page on the

OHCHR website where the full concluding observations can be downloaded. The same is also done for thematic discussions or the examination of individual complaints.

75. In 2013, increased awareness, understanding and visibility of the regular work of treaty bodies among Member States, United Nations partners, NHRIs and civil society organizations was also promoted through more than 50 briefings by OHCHR on the treaty body system for a wide range of actors, including State Party representatives, regional organizations and mechanisms, civil society organizations, lawyers, academics and students. OHCHR also provided media training for treaty body members.

76. OHCHR conducted capacity-building activities to assist States parties in complying with their obligations under the human rights treaties. These activities included training, at the request of States parties, on preparing the common core document, the treaty specific guidelines, preparing the report, individual communications and follow-up to recommendations. In September 2013, a training workshop on reporting and follow-up was held for the members of the Inter-ministerial Committee for Human Rights, in Rabat. In November 2013, a training workshop on ratification and reporting under the International Convention for the Protection of All Persons from Enforced Disappearance was held for francophone African countries, in Tunis. Also in November 2013, OHCHR provided training to members of the Government of the State of Palestine on the implications of treaty ratification, in particular reporting obligations under the international human rights treaties, including the reporting cycle, drafting of the common core document, content and format of periodic reports, and the preparation for the interactive dialogue with the committees. In December 2013, at the request of the United Nations Joint Human Rights Office in the Democratic Republic of Congo, training on reporting under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was carried out.

77. In 2013, OHCHR also commenced work on a study on existing practices regarding standing national reporting and coordination mechanisms. This study is intended to respond to requests from States for information and will build on the country practices collected. Once published, the study may serve as a tool to assist Member States wishing to create or reinforce such mechanisms.

78. During the reporting period, OHCHR continued its cooperation with the Registry of the European Court of Human Rights regarding individual cases. The implementation of treaty bodies' decisions and judgements of the European Court of Human Rights was included in the discussions of the seventh annual meeting on the cooperation between OHCHR and the Council of Europe. A joint declaration by the Council of Europe and the Office of the United Nations High Commissioner for Human Rights was signed in September 2013; it aims to strengthen cooperation between the two organizations in promoting and protecting human rights, including in the area of communications and recommendations in concluding observations.

79. OHCHR and Microsoft signed a memorandum of understanding to assess and report on the potential for videoconferencing the treaty bodies sessions, primarily the sessions of the Committee on the Rights of Persons with Disabilities, with the objective of assessing the accessibility of committee meetings and improving accessibility processes and practices at Palais Wilson and Palais des Nations. The accessibility team was made up of representatives from Microsoft, OHCHR, the United Nations Office at Geneva, Middlesex University and AbilityNet. The team delivered a report on short-, medium-, and long-term measures to expand accessibility. OHCHR initiated the implementation of one of the recommendations, namely, a pilot training workshop on access to documentation and websites, in June 2013, which was attended by OHCHR staff from both headquarters and field presences.

80. In December 2013, staff in the Human Rights Treaties Division of OHCHR, which supports the treaty bodies, received training on the OHCHR Gender Equality Policy and Gender Equality Strategic Plan. OHCHR systematically strives to integrate a gender perspective in secretariat inputs into the work of the treaty bodies to ensure that it is reflected in their outputs, such as lists of issues, concluding observations, views and decisions, as well as field visits by the Subcommittee on Prevention of Torture. In implementation of the Gender Equality Strategic Plan, staff of the Human Rights Treaties Division were also requested to incorporate a gender goal or action in their respective workplans.

IV. Conclusion

81. **The growth of the treaty body system, combined with the increase in States parties to the international human rights instruments has not been met with an equivalent allocation of resources or meeting time necessary to ensure the effective fulfilment of the treaty bodies' mandates. The chronic deficiency of resources has led to a significant backlog of reports awaiting consideration by the treaty bodies and an excessive waiting time for authors of individual complaints, largely undermining the protective function of the complaints procedures.**

82. **Reviews of staffing and financial needs have only taken place in an ad hoc manner, usually when a decision to request additional meeting time is adopted or when a treaty passes a milestone for expansion. Such requests have not always, or only partially, been approved by the General Assembly. There has been no comprehensive review of the workload and resourcing of the treaty bodies. A coherent, sustainable and periodically reassessed financing system for treaty bodies must be established and operationalized.**

83. **The Secretary-General continues to follow the intergovernmental process on treaty body strengthening with great interest and expectation, and looks forward to a comprehensive and sustainable outcome of the process by mid-February 2014.**
