

# Resources in support of the human rights treaty body system - human rights programme

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## **Executive Summary**

The Office of the High Commissioner for Human Rights (OHCHR) is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management (DCM) of the United Nations Office in Geneva (UNOG) provides conference services to the treaty bodies, as well as to other clients. Of the Secretariat resources supporting the treaty body system the most expensive elements are conference servicing, in particular documentation. Changes to working methods, for example reducing the number of working languages, would result in significant cost savings (see DCM paper for further details on conference servicing support to the treaty body system).

Support provided by OHCHR to the treaty bodies in general is drawn from two sources: the regular budget (76%) and voluntary contributions from donors (24%).

In 2010-2011, of the total amount -regular budget (RB) and extra-budgetary (XB) - available to the treaty bodies through OHCHR, 31% covered the travel of treaty body experts to treaty body sessions. The remaining 69% went to the Human Rights Treaties Division (HRTD) for its staff to support the work of the treaty bodies. Concerning the travel of experts, the budget increased from \$ 4.3 million for the biennium 2000-2001 to \$ 12.1 million for the biennium 2010-2011, in respect of the increase from 74 experts in 2000 to 172 experts in 2011.

As to the staff, while the budget for staff also almost tripled over the same period of time, current numbers in staffing still do not match workloads. An analysis conducted in 2010 found that three interdependent factors are at the heart of the work process difficulties in HRTD: volume, alignment, and strategy. While OHCHR is gradually addressing the issues of alignment and strategy, addressing the 'volume' remains the main challenge and the Secretariat in its current strength cannot cope with the sheer volume of work. Also, nearly one third of treaty body staff is funded from voluntary contributions, whereby the staff is undertaking core activities which should be funded from the regular budget.

In addition, in the current restrictive budgetary climate, it has not been possible to fully present the needs of the treaty body system including those of conference services, due to competing demands. Nevertheless, such a review is clearly needed.

## **A. Introduction**

The Office of the High Commissioner for Human Rights (OHCHR) is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties so as to assist States parties to those treaties to fulfil their human rights obligations and to provide avenues for individuals to raise complaints on violations of treaty obligations. OHCHR supports ten treaty bodies: the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee (HRCCommittee), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee against Torture (CAT), the Subcommittee on the Prevention of Torture (SPT), the Committee on Migrant Workers (CMW), and the Committee on the Rights of Persons with Disabilities (CRPD), and since 2011, the Committee on Enforced Disappearance (CED).

Some 120 State party reports are being reviewed annually leading to the adoption of concluding observations. And a similar number of decisions is adopted annually under the existing individual complaints procedures (ICCPR, CAT, CERD, CEDAW, CRPD and

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ICPPED). The General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child, permitting the Committee on the Rights of the Child to receive individual communications. When article 14 of the International Convention on the Protection of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights come into force, all treaty bodies will be able to receive individual communications.

The Human Rights Treaties Division (HRTD) is the Division of OHCHR with lead responsibility for supporting the work of the treaty bodies. Over the past five years HRTD has experienced large growth in the scope and operational requirements of its work with the expansion of human rights treaties and protocols as well as corresponding monitoring mechanisms, and progressive development of existing law through treaty body decisions on individual cases, concluding observations on States' legislation and policies, as well as the elaboration of general comments.

The Division of Conference Management (DCM) is the entity responsible for providing conference services to the treaty bodies. The majority of resources (some \$ 60 million in 2010-2011) provided to the treaty bodies relates to the provision of conference services (*see separate paper prepared by DCM for further details*).

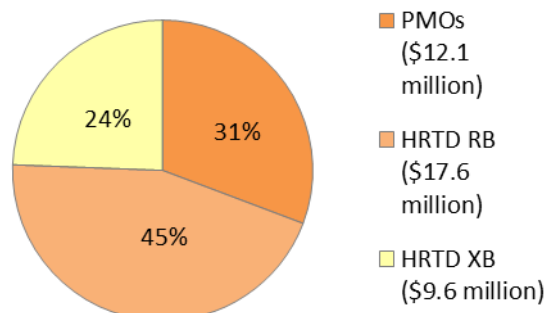
## B. Current budgetary support

### I. General information

In the 2010-2011 biennium, support provided by OHCHR to the **treaty bodies** was financed from two sources: the **United Nations regular budget** (\$29.7 million) and voluntary contributions **from donors** (\$9.6 million). Thus, the regular budget provided 76% of the total \$39.3 million resources for the treaty bodies during the biennium, while 24% was provided from voluntary contributions.

From the regular budget allocation, some \$12.1 million went to fund the **travel of treaty body experts** to treaty body sessions, under the "Policymaking Organs" section of the human rights budget, and \$17.6 million went to **OHCHR/HRTD** under subprogramme 2 of the human rights budget, mainly for the staff to support the work of the treaty bodies. In addition, \$9.6 million has been made available to **OHCHR/HRTD** from voluntary contributions, to increase the level of support provided to the treaty bodies.

## 2010-2011



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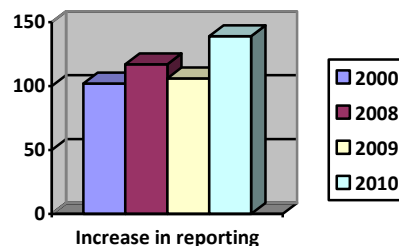
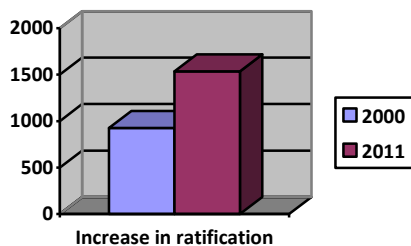
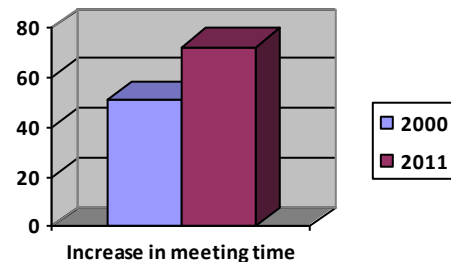
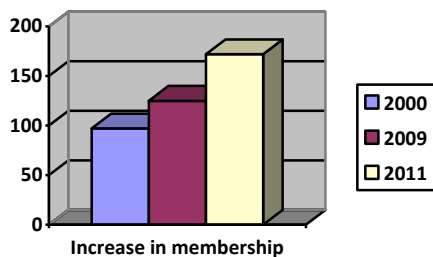
## II. Regular budget

The regular budget covers:

- While the committee members do not receive a salary for their work, the United Nations covers the cost of their **travel** and stay to participate in the sessions of the committees. This accounts for a large percentage of the overall costs of the treaty bodies (“Policymaking Organs”). The budget increased from \$ 4.3 million for the biennium 2000-2001 to \$ 12.1 million for the biennium 2010-2011, in respect of the increase from 74 experts in 2000 to 172 experts in 2011. Meanwhile, the actual costs have outpaced this increase in the approved budget leading to revised appropriations.
- In addition, the budget makes provision for the **Human Rights Treaties Division** (Subprogramme 2) with \$17.6 million for the biennium 2010-2011, an increase from \$ 6.1 million in the biennium 2000-2001. This covers mainly staff costs, i.e. in 2011, 40 Professional posts (1 D-1, 4 P-5, 13 P-4, 17 P-3 and 5 P-2) and 16 General Service posts.

As mentioned above, in 2010-11, 76 % of all resources available to the treaty bodies were provided through the regular budget. **Although the General Assembly has been advised of the programme budget implications (PBIs) of new and expanded activities** (such as increases in the membership of some Committees or the establishment of new Committees), the corresponding resources have not always been provided. To give some recent examples: the General Assembly granted additional meeting time for CAT and CERD without granting additional staff to support that work, and the growth in membership of the SPT and consequent workload was not matched with additional staff to the extent requested by OHCHR.

Also, in recent years, more States have ratified treaties and are reporting regularly, which has increased workloads for the Committees and the supporting staff. **This growth has never been reflected through commensurate resources for each treaty body.**



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### III. Voluntary contributions

To a limited extent, OHCHR has been able to address the **shortfall in regular budget resources required to support the mandated work** of the treaty bodies from resources received through **voluntary contributions**. In 2010-11, voluntary contributions available to HRTD amounted to 35% of the Division's total available funding. This has been used to fund **nearly one third of treaty body staff**, adding 17 professional posts (2 P-4, 14 P-3 and 1 P-2) and five General Service (GS) posts to the regular budget posts indicated above.

#### C. Developments over the past years (2000-2011)

##### I. Travel of experts (Policymaking organs)

Since 2000, the regular budget supporting the travel of experts has increased from \$4.3 million to \$14 million per biennium. As mentioned above, this is due to the fact that the number of treaty bodies supported by OHCHR has increased from five in 2000 to ten in 2011, and the number of experts increased accordingly from 74 experts in 2000 to 172 as of January 2011. Those numbers increased further for 2012-2013, reflecting the addition of the Committee on Enforced Disappearance and the expansion of other committees, including the CRPD.

<i>(In thousands of USD)</i>	2000-2001	2002-2003	2004-2005	2006-2007	2008-2009	2010-2011(*)	2012-2013
HR Committee	1,224	1,372	1,370	1,363	1,497	1,778	1,865
CESCR	973	748	741	775	808	1,153	920
CRC	1,123	787	1,627	1,702	1,555	1,885	1,949
CAT	324	342	464	482	520	668	635
CERD	629	665	699	764	813	1,327	1,204
Meeting of Chairpersons	51	53	56	55	118	112	119
CMW <i>(since 2004 and increase in membership from 10 to 14)</i>	-	-	180	183	195	511	565
SPT <i>(since 2008 and increase in membership from 10 to 25)</i>	-	-	-	-	976	1,398	2,037
CEDAW <i>(supported by OHCHR as of 2006)</i>	-	-	-	1,231	1,737	2,344	2,169
CRPD <i>(since 2009 and increase in membership from 12 to 18)</i>	-	-	-	-	584	809	1,586
CED <i>(since 2011)</i>						88	709
<b>TOTAL</b>	<b>4,324</b>	<b>3,967</b>	<b>5,136</b>	<b>6,555</b>	<b>8,803</b>	<b>12,073</b>	<b>13,759</b>

(\*) Revised appropriation

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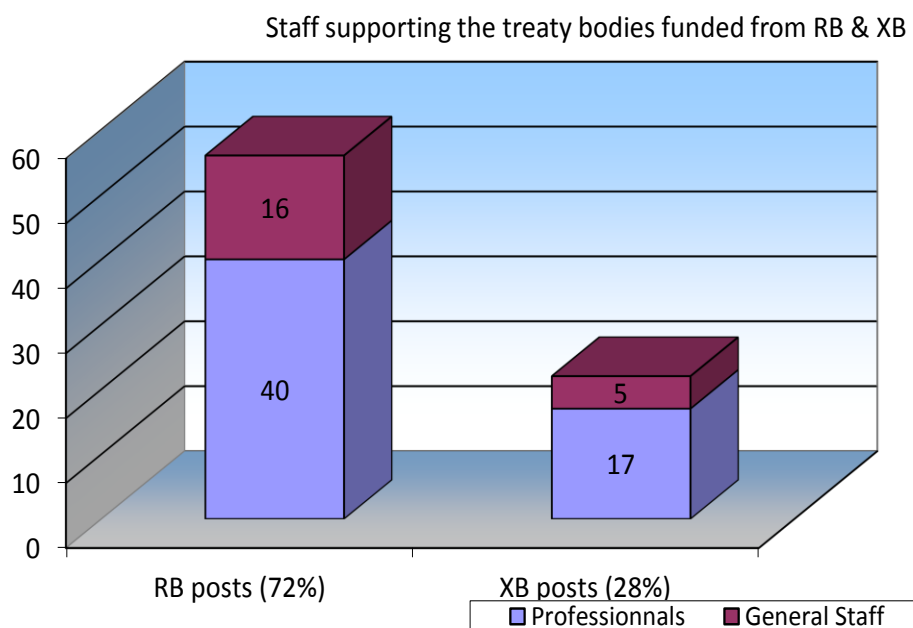
## II. Staff support (Subprogramme 2 and voluntary contributions)

Since 2000, the regular budget allocations under Subprogramme 2 for support of the treaty bodies, now consolidated in the Human Rights Treaties Division and consisting mainly of staff costs, has increased from \$ 6.1 million in a biennium to \$ 17.6 million for a biennium.

	2000-2001	2002-2003	2004-2005	2006-2007	2008-2009	2010-2011(*)	2012-2013
HRTD including Office of the Director	6,126,400	7,453,300	10,692,400	14,224,000	15,390,000	17,613,600	16,890.300

(\*) Revised appropriation

The Human Rights Treaties Division has 57 Professionals and 21 General Service posts, including 40 Professional posts (1 D-1, 4 P-5, 13 P-4, 17 P-3 and 5 P-2) and 16 General Service posts funded from the regular budget (RB posts); and 17 Professional posts (2 P-4, 14 P-3 and 1 P-2) and five General Service posts funded from voluntary contributions (XB posts).



A workload analysis conducted in 2010 indicated that the number of Human Rights Officers (RB and XB posts) performing legal analysis under the human rights conventions and supporting the related treaty body sessions was fully 30% less than required. The reasons for this shortfall can be attributed to the ever-increasing number of ratifications of the conventions over the years, which have never been reflected in the allocation of resources, and the fact that the more recently established treaty bodies have not received full and adequate resources from the outset. The expansion of treaty bodies has resulted in some increases under the budget allocation for 2012-2013, but even this falls short of the projected workload. In principle, the functions of HRTD, providing core mandated support to the human rights treaty body system, should be funded entirely from the United Nations regular budget. Accordingly, the posts currently funded from voluntary contributions to assist in performing this work should be included under the regular budget. However, to clearly establish the appropriate number of posts to provide an adequate level of support, a detailed review of the current and projected workload should be undertaken.

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## D. Challenges, Conclusions and Recommendations

### I. Addressing the 'volume'

Following General Assembly resolution 62/236 (para 101), the Office of Internal Oversight Services (OIOS) conducted a review of OHCHR in 2009. Upon its request, HRTD was studied as a separate component of the larger OHCHR evaluation. The evaluation and its resulting report highlighted strengths and areas for action for OHCHR, with a view to enhancing synergies of work processes across the Office to maximize and improve a coherent approach to treaty bodies' work, inputs and outputs. The recommendations that refer specifically to HRTD included improving strategic linkages and work flows between and among HRTD and other Divisions, especially the field; harmonizing working methods of the treaty body secretariat in relation to the work methods of the treaty bodies; and improvement of work flows within HRTD and objective assessment of required human resources. A consultant was hired and found that three interdependent factors are at the heart of the work process difficulties in HRTD: **volume, alignment, and strategy**. In the consultant's view, problems emanating from the interplay of these three factors are impeding on almost every aspect of the work activities undertaken within HRTD and with its partners and stakeholders.

OHCHR is gradually addressing the issues of alignment and strategy. While facilitating the comprehensive treaty body strengthening process involving all stakeholders, OHCHR is conducting, in parallel, a number of activities to increase the efficiency of the treaty bodies within existing resources and constraints.

The Office significantly enhanced its flow of information towards the treaty body experts, special procedures mandate holders, United Nations partners, national human rights institutions and non-governmental organizations, with a view to increasing coherence and consistency of the outputs of the different human rights mechanisms. The Universal Human Rights Index, hosted on the website of OHCHR, is an important reference tool in this regard, which increases the visibility and accessibility of the treaty body system. It compiles recommendations made by all human rights mechanisms in a database, searchable by themes or countries. The idea of webcasting of all treaty body sessions has increasingly been proposed, by different stakeholders, during the consultations that have taken place in the context of the treaty body strengthening process.

The Office also contributes to the effective implementation, at the national level, of treaty body and other human rights mechanism recommendations by responding to requests from States parties for trainings on reporting to the treaty bodies and follow-up to concluding observations, often in partnership with other organizations. OHCHR contributes to the extent possible to such activities, including by tailoring training materials to targeted audiences and through sending resource persons from its staff or the treaty bodies.

The treaty bodies themselves have taken a number of positive initiatives such as the progressive harmonization of treaty body procedures and working methods (common treaty body approach to reservations, consolidated guidelines for the common core document and treaty-specific documents, establishment of a working group on common approaches to follow-up). States parties have welcomed this harmonization process, and several (46 to date) have submitted common core documents and treaty-specific documents.

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As the most recent example, the Committee on Economic, Social and Cultural Rights, which was the only treaty body reviewing State party periodic reports over the course of three meetings, has taken a decision, on a temporary basis, to reduce this consideration to two meetings, as is done by all other treaty bodies, in order to alleviate its backlog by considering a greater number of reports per session.

Having said this, proposals and measures to enhance efficiency of the treaty bodies do not necessarily produce savings. To the contrary, reviewing more State party reports per session reduces the backlogs but increases documentation and staff support requirements, and will consequently cost more.

Addressing the ‘volume’ therefore is the main challenge. In the last 10 years, the treaty bodies supported by OHCHR have expanded in number (from 5 to 10), in overall number of sessions (from 11 to 24), in overall number of weeks in session (from 44 to 73), in the number of treaty body experts (from 74 to 172), in the quantity of individual complaints (currently at 120 decisions per year) as well as in the amount of ratifications (currently at 1525 ratifications under the 9 core conventions and two Optional Protocols with reporting obligations, in contrast to 927 in 2000), and have increased the number and type of service requests (list of issues prior to reporting, follow-up procedures) from the Human Rights Treaties Division and the Office. The volume of State party reports and associated documentation submitted, and the analysis to be formulated pre-session, in-session, or post session, plus the number of individual petitions to screen and consider, generated by the number of treaty bodies and the propagation of activities within individual treaty bodies, has proven to be exceptionally difficult in its present configuration to substantively and operationally manage.

The report of the Secretary-General on “Measures to improve further the effectiveness, harmonization and reform of the treaty body system” (A/66/344) makes two proposals to address the issue of volume. The first one attempts, in the short term, to reduce current backlogs through additional meeting time and would entail the presentation, on a biennial basis, of an adjusted comprehensive request for meeting time based on actual workloads, to review submitted State party reports. The second proposal enables long-term planning through a fixed calendar based on 100 per cent compliance with State party reporting obligations. Both proposals result in an increase in the current meeting time allocations.

### **II. Increased workloads without regular financial reviews**

The growth of the treaty body system has never been reflected through commensurate growth in the resource allocations for each treaty body. Reviews of staffing and other resource requirements only take place upon the adoption of a decision to request additional meeting time, or when a treaty passes a milestone for expansion. Apart from these triggering events (in which the estimated requirements are rarely fully approved), there has been no comprehensive review of the workload and resourcing of the treaty bodies. Such a review should, in fact, take place periodically. The General Assembly may consequently wish to undertake such a comprehensive review of the resources for the treaty body system as a whole, taking into account both its current needs (based on the level of actual compliance of States parties with their reporting obligations), and its projected needs (based on strict compliance of States parties with the reporting obligations under each treaty).