



**International
Human Rights
Instruments**

Distr.
GENERAL

HRI/MC/2006/2
22 March 2006

Original: ENGLISH

Fifth Inter-Committee Meeting of the human rights bodies
Geneva, 19-21 June 2006

Eighteenth meeting of chairpersons of the human rights treaty bodies
Geneva, 22-23 June 2006
Item 6 of the provisional agenda

**CONCEPT PAPER ON THE HIGH COMMISSIONER'S PROPOSAL
FOR A UNIFIED STANDING TREATY BODY**

Report by the Secretariat

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1	3
I. OBJECTIVES OF REFORM.....	3	3
II. OBJECTIVES AND ACHIEVEMENTS OF THE SYSTEM AND CURRENT CHALLENGES	8	5
A. Objectives of the monitoring procedures	8	5
B. Achievements	11	6
C. Challenges facing the system	15	6
III. WAYS IN WHICH THE ESTABLISHMENT OF A UNIFIED STANDING TREATY BODY WILL ADDRESS CURRENT CHALLENGES	27	10
IV. IMPLEMENTING MEASURES: A UNIFIED STANDING TREATY BODY	37	13
A. Forms/Modalities of operation	38	13
B. Functions	46	15
V. ISSUES TO BE CONSIDERED IN THE CREATION OF A UNIFIED STANDING TREATY BODY	59	17
A. Specificity	59	17
B. Different ratification patterns	60	17
C. Membership	61	18
D. Legal issues	64	18
 Annexes		
Annex 1: Facts and figures about reporting		19
Annex 2: Reporting status per State party as of 16 February 2006		20
Annex 3: Average time from submission to consideration of State party reports by the treaty bodies in 2005		27
Annex 4: Statistics relating to individual complaint procedures of ICCPR, CAT and CERD		28
Annex 5: Resource implications of the human rights treaty bodies		30

Introduction

1. In her Plan of Action, the High Commissioner for Human Rights indicated that she will develop proposals for a unified standing treaty body and invite States parties to the seven human rights treaties to an intergovernmental meeting in 2006 to consider options.¹ This concept paper elaborates on her proposal and provides a basis on which options for reform can be explored. Further background papers will be prepared on specific issues relevant to the establishment of a unified standing treaty body, such as legal considerations, membership and resource requirements. While discussions with stakeholders on the High Commissioner's proposal proceed, efforts to strengthen the human rights treaty reporting system initiated pursuant to the Secretary-General's 2002 reform proposals will continue.² Other ideas aimed at strengthening the system, and ensure that it has the best possible impact, will also be explored.

2. The concept paper is divided into five parts. First, it presents the objectives of the High Commissioner's proposal and the principles that guide it. Second, it analyzes the current system, its objectives and achievements, as well as the challenges it faces. Third, it identifies how the establishment of a unified standing treaty body would meet those challenges, and ensure a strengthened and more effective monitoring system. Fourth, it puts forward ideas on the possible forms, modalities of operation and functions of a unified standing treaty body. Finally, it raises some issues to be considered with respect to the establishment of such a body. Several annexes are attached to the paper, which provide facts and figures about reporting to human rights treaty bodies; the reporting status per State party to the various human rights treaties as at 16 February 2006; information on the average time between submission to consideration of States parties' reports; statistics relating to the individual complaints procedures; and the current resource requirements of the human rights treaty bodies.

I. OBJECTIVES OF REFORM AND GUIDING PRINCIPLES

3. The human rights treaty system is based on the seven core United Nations human rights treaties, which set legal standards for the promotion and protection of human rights and create legal obligations for States parties to implement human rights at the national level.³ The treaties also provide the normative framework for United Nations efforts to support the implementation of human rights norms at the national level. Compliance with these standards by States parties is monitored by seven treaty bodies through several procedures. All treaty bodies consider reports; five have the competence to consider individual petitions subject to admissibility criteria being met; four are entitled to consider State-to-State complaints; and two have competence to inquire into allegations of grave or systematic violations. These procedures are designed to assess objectively the situation in States parties and encourage them to implement their international legal obligations. They also provide a means through which the United Nations can support States in this endeavour.

¹ A/59/2005/Add.3, para. 147.

² In discussions with the High Commissioner for Human Rights and at her invitation, treaty bodies have provided initial views on her proposal; see CERD/C/SR.1723, CERD/C/SR.1726, CCPR/C/SR.2296, E/C.12/2005/SR.47 and CMW/C/SR.23.

³ Seven core human rights treaties set legal standards for States parties for the promotion and protection of human rights: the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

4. The principal objective of the human rights treaty body system is to ensure human rights protection at the national level through the implementation of the human rights obligations contained in the treaties. Accordingly, the effectiveness of the treaty system must be assessed by the extent of national implementation of the recommendations resulting from constructive dialogue under reporting procedures, decisions under the four individual complaints procedures currently in operation and the outcome of inquiries. It must also be assessed by how successful the system has been in providing States with authoritative guidance on the meaning of treaty provisions, preventing human rights violations, and ensuring prompt and effective action in cases where such violations occur. The system's effectiveness should also be assessed by how far the output of these procedures has been integrated into all national, regional and international efforts to protect human rights.

5. Ways to enhance the system so that it can meet these objectives most effectively have been discussed since the establishment of the first treaty body, the Committee on the Elimination of Racial Discrimination, in 1970, in particular in the context of the Meeting of Chairpersons of human rights treaty bodies, which first met in 1984 and has met annually since 1994. An independent expert appointed by the Secretary-General to carry out a study on enhancing the long-term effectiveness of the United Nations human rights treaty system during the 1980s, suggested, *inter alia*, the creation of a single monitoring body for all treaties.⁴ The Secretary-General's second reform report in 2002 provided new impetus for discussions by calling on the international human rights treaty bodies to "craft a more coordinated approach to their activities and standardize their varied reporting requirements" and suggested that "each State should be allowed to produce a single report summarizing its adherence to the full range of international human rights treaties to which it is a party" (A/57/387, para. 54). In his report "In larger freedom" (A/59/2005), the Secretary-General re-emphasized the need to streamline and strengthen the treaty body system, and called for implementation of harmonized guidelines on reporting to all treaty bodies, so that the treaty bodies can operate as a unified system. In her Plan of Action (A/59/2005/Add.3), the High Commissioner reiterated this call, emphasizing that the objective of the system must be to ensure the greatest level of protection for all rights-holders, and proposed the creation of a unified standing treaty body in order to provide a strengthened and more effective monitoring system to enhance the impact of the human rights treaty system, particularly at the national level.

6. The overarching objective of the High Commissioner's proposal is twofold. First, it aims to secure comprehensive and holistic implementation by States parties of the substantive legal obligations in the treaties which they have assumed voluntarily. Second, it seeks to strengthen the level of protection provided to rights-holders at the national level through ensuring scrutiny of implementation by an authoritative, visible and effective system, which is easily accessible to rights-holders.

7. The High Commissioner's proposal is underpinned by several principles. These are that the human rights treaty system has a key role to play in the promotion and protection of human rights at national and international levels. The achievements of the current system should be built on, in order to provide a stronger framework for implementation and monitoring of existing treaty obligations, and those which may be elaborated by future international human rights treaties, such as with respect to disappearances and disability. The specificities of each treaty must be preserved and their focus on specific rights, such as freedom from torture or

⁴ The independent expert, Philip Alston, prepared three reports on enhancing the long-term effectiveness of the United Nations human rights treaty system. The first (A/44/668) was submitted to the General Assembly in 1989, an interim report (A/CONF.157/PC/62/Add.11/Rev.1) was prepared for the World Conference on Human Rights in 1993 and a final updated report (E/CN.4/1997/74) was transmitted to the Commission on Human Rights at its fifty-third session in 1997. The views of States, UN agencies, the Secretary-General and other interested parties were solicited with regard to the final report and submitted to the Commission on Human Rights in 1998 and 2000 (E/CN.4/1998/85 and E/CN.4/2000/98).

racial discrimination, and the rights of particular rights-holders, such as children, women, and migrant workers and migrant workers, should not be diminished. At the same time, the interdependent and indivisible nature of the obligations set out in the treaties must be highlighted. Implementation of existing obligations of States parties, must be strengthened, but substantive obligations of States parties should not be affected or renegotiated.

II. OBJECTIVES AND ACHIEVEMENTS OF THE SYSTEM AND CURRENT CHALLENGES

A. Objectives of the monitoring procedures

8. Current treaty monitoring mechanisms aim to achieve several objectives.⁵ The process of reporting provides an opportunity for an individual State party to conduct a comprehensive review of the measures it has taken to bring its national law and policy into line with the provisions of the treaties to which it is a party. The preparation of reports provides a platform for national dialogue on human rights amongst the various stakeholders in a State party. The report itself provides the Government and others, including civil society, with a baseline for the elaboration of clearly stated and targeted policies, which include priorities consistent with the provisions of the treaties. The process of reporting also encourages and facilitates public scrutiny at the national level of Government approaches to implementation and stimulates constructive discussion with civil society of ways to advance the enjoyment by all of the rights laid down in the various conventions. Consideration of the reports by the Committees, through constructive dialogue with States parties, allows individual States and States as a whole to exchange experience on the problems faced in implementation of the instruments, and good practices that facilitate enhanced implementation. It also allows for international scrutiny, which underlines States' responsibility and accountability for human rights protection.

9. The complaints procedures provide an opportunity for treaty bodies with the competence to receive complaints to identify steps that States should take to comply with their international legal obligations in the context of concrete individual situations. The procedures offer individual relief to victims of human rights violations and should stimulate general legal, policy and programme change. Inquiry procedures enable Committees to address the structural causes of systematic violations and make recommendations relating to a broad range of issues.

10. The degree to which the treaty body procedures achieve these objectives depends on several factors, which will be relevant for any monitoring system. Where reporting is concerned, this includes the willingness and capacity of States to report regularly, use the process as an opportunity for a frank and comprehensive assessment of implementation of international obligations, and engage in a dialogue with national stakeholders before and after the consideration of reports by the Committee. It also depends on the awareness and knowledge of national constituencies and their interest in participating in the process and using it to assess progress in implementation and raise issues, including obstacles to implementation, at the national and international levels. In addition, it depends on the lapse of time between submission and consideration of a report, the quality and fairness of the dialogue, concluding observations and recommendations and any follow-up action that may occur. With regard to individual complaints, awareness at the national level of the possibility of complaint among rights-holders, the efficiency of the procedures at the international level and the quality of the outcomes are key, as is the willingness of States parties to implement views and make necessary legislative and policy changes to comply with their obligations. Similarly, the effectiveness of the inquiry procedure depends on national awareness of the procedure, the quality of the process and its outcome.

⁵ The Committee on Economic, Social and Cultural Rights specified seven objectives of the reporting process in its first general comment, adopted during its third session in 1989; see HRI/GEN/1/Rev.7.

B. Achievements

11. The various procedures and outputs of the treaty bodies have become increasingly sophisticated, developed and strengthened over time. The treaty body system has made a significant contribution to the promotion and protection of human rights, with treaty bodies providing authoritative guidance on the meaning of international human rights standards, the application of treaties and the steps States parties should take to ensure full implementation of human rights and their enjoyment by all.

12. The reporting process has played a role in stimulating the creation of constituencies at the national level to promote implementation of human rights. It has also provided direct input into the development of new laws, policies and programmes. The process has afforded a platform for national dialogue on human rights among the various stakeholders, and an opportunity for public scrutiny of Government policies. The outcome of the process, the concluding observations or recommendations of the Committees, has also offered guidance on implementation to Governments and has often constituted a framework for joint action by States, United Nations entities, civil society and others.

13. Despite the fact that treaty bodies' decisions in this context are not legally binding, individual complaints procedures have often resulted in individual relief for victims. Through the decisions in individual cases, the Committees have also developed a body of jurisprudence on the interpretation and application of human rights treaties, which is referred to more frequently by national and regional courts and tribunals.⁶

14. National human rights institutions (NHRIs), NGOs and other parts of civil society, regional bodies and United Nations agencies have also benefited from the treaty monitoring process. For example, the United Nations Children's Fund (UNICEF), which facilitates State and national stakeholder engagement in the reporting process relating to the Convention on the Rights of the Child, uses the output of the Committee of the Rights of the Child as a programming tool, and approaches the reporting exercise as dynamic occasion for assessment and dialogue with States, United Nations entities and NGOs which results in a framework for State accountability for implementation of their treaty obligations. Other parts of the United Nations system, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM) and the World Health Organization (WHO), also participate in the reporting process, and, to a greater or lesser extent, seek to integrate its output into their programming. They also provide expertise and support to the Committees as they elaborate General Comments in order to obtain guidance on standards for their programming and protection activities.

C. Challenges facing the system

15. Despite these achievements, the system faces serious challenges. Some of these are linked to its success, and result from the growth in human rights instruments and the steadily increasing number of States formally assuming international legal obligations. The number of human rights treaty bodies has increased from one Committee to seven since 1970, and there are currently 115 treaty body experts. The establishment of the Subcommittee on Prevention after the entry into force of the Optional Protocol to the Convention against Torture, and the creation of new bodies to monitor the proposed instruments on enforced disappearance and disability

⁶ Committee on International Human Rights Law and Practice of the International Law Association, *Final report on the impact of findings of the United Nations human rights treaty bodies* (2004). See also the discussion in the *Interim report on the impact of the work of the United Nations human rights treaty bodies on national courts and tribunals* (2002).

will add new treaty bodies and experts to the current system. The Optional Protocol to the Convention against Torture will also introduce new monitoring functions to the system.⁷

Table 1: Composition of the treaty bodies

	<i>Original</i>	<i>Increased</i>	<i>No. of States parties for increase</i>
CERD:	18 members	-	-
HRC:	18 members	-	-
CESCR:	18 members	-	-
CEDAW:	18 members	23 members	35 States parties
CAT:	10 members	-	-
CRC:	10 members	18 members*	-
CMW:	10 members	14 members	41 States parties
SCP-OPCAT: [†]	10 members	25 members	50 States parties

Members are elected for four-year terms. Elections for half of the members are held every two years.

* Amendment to art. 43.2 of the Convention, approved by General Assembly resolution 50/155 of 21 December 1995, which entered into force on 18 November 2002 upon acceptance by two thirds of States parties.

† Subcommittee on Prevention, Optional Protocol to the Convention against Torture.

16. The system also faces challenges because many States accept the human rights treaty system on a formal level, but do not engage with it, or do so in a superficial way, either as a result of lack of capacity or lack of political will. Some States fail to submit reports required by the treaties, and most submit them after considerable delay. Many States, including those with significant technical capacity and high commitment, find that meeting complex and overlapping reporting obligations is challenging, bearing in mind other reporting requirements they may have. Figures from February 2006 indicate that 70 per cent of the total number of State party reports due have been submitted, a percentage which has been achieved as a result of the submission of consolidated reports.⁸ Of the initial reports that are due, 30 per cent have not been submitted.⁹ As of February 2006, only eight of the 194 States that are party to one or more of the seven treaties are up to date with their reports, with the remaining 186 States owing 1,442 reports to the treaty bodies. The Committees have little real power to enforce States to comply with the procedures, but at the same time, with their current working methods, they could not accommodate full compliance by States parties with reporting obligations. The achievement of the High Commissioner's goal of universal ratification and full acceptance of complaints and inquiry procedures, combined with full compliance by States parties with reporting procedures, would exacerbate these challenges.

⁷ The Optional Protocol to the Convention against Torture (OPCAT), which is yet to enter into force, creates a ten-member Subcommittee on Prevention (SCP), to undertake visits to places of detention in States parties. The draft International Convention for the Protection of All Persons from Enforced Disappearance adopted by a working group of the Commission on Human Rights in September 2005 (E/CN.4/2005/WG.22/WP.1/Rev.4) envisages the creation of a 10-member treaty body to monitor implementation. The Ad Hoc Committee of the General Assembly on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities is considering establishing a monitoring mechanism, including a possible ninth treaty body.

⁸ A number of treaty bodies accept combined reports to address the reporting backlog. One State party submitted its combined initial (due 17 March 1978) to fourteenth periodic (due 17 March 2004) reports in one document of 24 pages.

⁹ The treaty bodies have considered reporting obligations of successor States in different ways. Consequently, it is possible that there may be slight variations in the total number of reports.

Table 2: Reporting periodicity under the treaties

<i>Treaty</i>	<i>Initial report within</i>	<i>Periodic reports every</i>
ICERD	1 year	2 years
ICESCR*	2 years	5 years
ICCPR	1 year	4 years [†]
CEDAW	1 year	4 years
CAT	1 year	4 years
CRC	2 years	5 years
CMW	1 year	5 years
CRC-OPSC**	2 years	5 years or with next CRC report
CRC-OPAC ^{††}	2 years	5 years or with next CRC report

* Article 17 of the Covenant does not establish a reporting periodicity, but gives the Economic and Social Council discretion to establish its own reporting programme.
[†] Article 40 of the Covenant gives the Human Rights Committee (HRC) discretion to decide when periodic reports shall be submitted. In general, these are required every four years.
** Optional Protocol on the sale of children, child prostitution and child pornography.
^{††} Optional Protocol on the involvement of children in armed conflict.

17. The growth in the number of treaties and treaty bodies has been ad hoc and their provisions and competencies overlap. This has resulted in duplication. The existing bodies have implemented different working methods, thereby compromising the system's coherence and creating a lack of clarity for States parties and other actors engaged in the system. Currently, there is no coordination among the treaty bodies in relation to the scheduling of report consideration. A State party may be asked to present reports to several Committees in the period of a month, or sometimes a week, and many States parties appear before several Committees in the same year. Treaty bodies have adopted different procedures for the consideration of reports, making it difficult for States parties to determine how best to prepare and benefit from the dialogue with the Committee. A State party may be asked the same question by several of the treaty bodies, and find that less time is devoted to treaty-specific issues. Limited coordination and collaboration among treaty bodies, and different approaches, in particular with respect to the role of NGOs, NHRIs and the wider United Nations system, increase duplication and impede interaction with stakeholders, who find the system obscure.

18. The growth in the number of treaties and ratifications has resulted in a steep increase in the workload of the treaty bodies and the Secretariat, backlogs in the consideration of reports and individual complaints, and increasing resource requirements. At the same time, the treaty bodies have been under-resourced, and their meeting time has been insufficient to handle their workload. Individual complaints procedures are underutilized, but the time between submission of a complaint and pronouncement of a final decision currently averages 30 to 33 months, which severely challenges the system's ability to provide redress for serious violations of the rights of individuals. An increase in petitions would further delay the processing of individual complaints.

19. In response to these challenges, treaty bodies with the support of the Secretariat, have worked to enhance efficiency and address some of these concerns, individually and collectively through the Meeting of Chairpersons and the Inter-Committee Meeting, which has met annually since 2002 and brings together the Chair and two other members of each treaty body. These efforts have resulted in improvements and innovations. States whose reports are long overdue are now considered by Committees in the absence of a report, and technical cooperation to assist States parties is also available from the Secretariat. By the end of 2006, two treaty bodies will function in two chambers in order to increase their working capacity. The working methods of treaty bodies have been harmonized in some areas, but Committees continue to adopt different

approaches with regard to dialogue with the representatives of States parties, lists of issues, concluding observations, and the role of civil society and United Nations entities in their work.

20. Adoption of harmonization of working methods and streamlined reporting guidelines will go some way to rendering the current system more predictable. These measures should also facilitate State reporting and encourage further ratifications, particularly by small and developing States, which will help to achieve universal ratification. Additional measures may also be considered. These could include convening treaty body sessions at the same time to encourage coordination and interaction, or providing opportunities for members to observe or participate in sessions of treaty bodies other than their own. Treaty bodies might also consider examining the reports of States parties jointly. Substantive activities could be integrated by the formulation of joint General Comments by the treaty bodies, convening joint thematic working groups and the harmonization of agendas, priorities and objectives. The Meetings of Chairpersons and the Inter-Committee Meetings could also take on formal and structured coordinating functions in order to create a unified approach to the reporting and petitions procedures.

21. These measures would not, however, address the underlying challenges to the system. Despite its achievements, the system is little known outside academic circles, Government departments and officials directly interacting with the system, and specialized lawyers and NGOs. The treaty body system is rarely perceived as an accessible and effective mechanism to bring about change. Victims of human rights violations and civil society actors are unfamiliar with the system's complex procedures or are unaware of its potential. Media coverage is poor and the use of treaty body jurisprudence by lawyers and national judicial systems is limited. The visits of treaty body members to countries remains an exception, and the system is often described as disconnected from realities on the ground, with meetings confined to Geneva or New York. The number of complaints filed with the Secretariat is low in comparison to the number of individuals living under the jurisdiction of States that have accepted individual complaints procedures, and most complaints are directed toward a minority of States parties. The inquiry procedures of CAT and CEDAW have been little used, while the State-to-State complaint mechanisms have never been used.

22. The visibility of the system is linked to the authority of the monitoring bodies, which depends on the quality of the monitoring process, its output and decision-making, as well as the perception of independence and fairness of the procedures employed. The experience of the current system suggests that treaty bodies, composed of part-time, unremunerated experts nominated by States parties from among their nationals and elected by States parties for fixed renewable terms, have been uneven in terms of expertise and independence, as well as geographical distribution, representation of the principal legal systems and gender balance. Competing demands have also meant that some treaty body members have been unable to devote the time required to the work of their Committees, and some have been unable to attend sessions. As there is no limitation on the number of terms members may serve, several members have served for long and unbroken periods. Notably, article 9 of the OPCAT and article 26.4 of the draft International Convention for the Protection of All Persons from Enforced Disappearance provide that members shall be eligible for one re-election only. They also provide that consideration be given to balanced gender representation (OPCAT, art. 5.4, and draft Convention on Enforced Disappearance, art. 26.1). Additional detailed provisions relating to the qualifications and professional expertise required for members are also set out in article 5.2 of the OPCAT.

23. The treaty body system has developed ad hoc and it does not function as an integrated and indivisible framework for human rights protection. This has weakened its overall impact. The existence of seven treaty bodies acting independently to monitor implementation of obligations based on the Universal Declaration of Human Rights, raises the possibility of

diverging interpretations which may result in uncertainty with respect to key human rights concepts and standards, which threatens a holistic, comprehensive and cross-cutting interpretation of human rights provisions. A lack of coordination and collaboration among the treaty bodies may result in conflicting jurisprudence. This issue is specifically addressed in the draft International Convention for the Protection of All Persons from Enforced Disappearance, which calls on its Committee to consult other treaty bodies with a view to ensuring the consistency of their respective observations and recommendations.¹⁰ The multiplicity of recommendations emerging from each treaty body makes it difficult for States parties and other national stakeholders to gain a comprehensive picture of the key human rights concerns and recommendations vis-à-vis the human rights situation in States. This may diminish the possibility that States parties will translate this output into integrated cross-sectoral national planning and programming.

24. The process of reporting often falls short of achieving its objective of providing regular opportunities for individual States parties to periodically conduct a comprehensive review of the measures they have taken to bring their national laws and policies in line with the treaties to which they are a party. The quality of State party reports submitted to different treaty bodies varies considerably. During 2004 and 2005, the Committees noted that only 39 per cent of reports considered were in compliance with reporting guidelines. In 18 per cent of cases, non-compliance was specifically noted in concluding observations.¹¹ Some Governments have been praised by Committees for their well-researched, frank and self-critical approach, but many reports are repetitive, present information provided in other documents or insufficient or selective data on the de jure and de facto implementation of human rights in the State party. In many cases, reports are prepared without consultation across Government departments or debate with national stakeholders. In some cases, national civil society may not have local access to reports.

25. Often, treaty bodies have insufficient information to enable them to undertake a full analysis of implementation in law and practice of the legal obligations stipulated in the treaties. This negatively impacts on the quality of dialogue and recommendations of the Committees. The reports of States parties may focus on the legal framework, but pay insufficient attention to the practical implementation and de facto enjoyment of rights by individuals. Information from United Nations agencies and NGOs on all States parties is not systematically available prior to the consideration of reports. As a result, the subsequent recommendations of treaty bodies may lack the precision, clarity and practical value required to enhance implementation.

26. Despite the recent introduction of follow-up procedures by some treaty bodies, and OHCHR technical cooperation activities aimed at enhancing implementation of treaty obligations, a major weakness of the current system is the absence of effective, comprehensive follow-up mechanisms to ensure that the system has a sustained and systematic impact on the enjoyment of human rights at the national level. Governments frequently pay insufficient attention to the recommendations adopted by the treaty bodies, and lack of awareness or knowledge among national constituencies about the monitoring procedures and their recommendations, renders these invisible at the national level.

III. WAYS IN WHICH THE ESTABLISHMENT OF A UNIFIED STANDING TREATY BODY COULD ADDRESS CURRENT CHALLENGES

27. The proposal of a unified standing treaty body is based on the premise that, unless the international human rights treaty system functions and is perceived as a unified, single entity

¹⁰ E/CN.4/2005/WG.22/WP.1/Rev.4, article. 28.2.

¹¹ Office of the High Commissioner for Human Rights, *Report on compliance of States parties with the existing guidelines for the treaty body reporting procedure*. Informal paper of the Secretariat prepared for the Technical working group on harmonized reporting guidelines, Geneva, 8-9 December 2005.

responsible for monitoring the implementation of all international human rights obligations, with a single, accessible entry point for rights-holders, the lack of visibility, authority and access which affects the current system will persist. The proposal is also based on the recognition that, as currently constituted, the system is approaching the limits of its performance, and that, while steps can be taken to improve its functioning in the short and medium term, more fundamental, structural change will be required in order to guarantee its effectiveness in the long term. Unlike the current system of seven part-time Committees, a unified standing treaty body comprised of permanent, full-time professionals is more likely to produce consistent and authoritative jurisprudence. A unified standing treaty body would be available to victims on a permanent basis and could respond rapidly to grave violations. As a permanent body, it would have the flexibility to develop innovative working methods and approaches to human rights protection and be able to develop clear modalities for the participation of United Nations partners and civil society, which build on the good practices of the current system. It would also be able to develop a strong capacity to assist States parties in their implementation of human rights obligations, including through follow-up activities and the country engagement strategies envisaged by the High Commissioner in her Plan of Action. Also in line with the Plan of Action, the Secretariat would be significantly strengthened to provide the expert support and advice required by a unified standing treaty body, as well as that required to strengthen national capacity and partnerships to allow full engagement in the treaty implementation process (paragraphs 145-146).

28. As States implement human rights obligations in an integrated rather than treaty-specific way, and individuals and groups do not enjoy their human rights or experience violations along treaty lines, a unified standing treaty body would provide a framework for a comprehensive, cross-cutting and holistic approach to implementation of the treaties. In contrast to the current system of seven treaty bodies which consider reports which are submitted in accordance with different periodicities, a unified standing treaty body could introduce flexible and creative measures to encourage reporting, and maximize the effectiveness and impact of monitoring. For example, a single cycle for reporting by each State party on implementation of all treaty obligations could be introduced, which would occur once every three to five years, providing States parties and partners with the opportunity to carry out in-depth, holistic, comprehensive and cross-cutting assessments and analysis of a State's human rights performance against all relevant obligations. A single reporting cycle monitored by a unified standing treaty body would provide a framework for prioritization of action needed at the country level to comply with human rights obligations. Reporting could be aligned with national processes and systems such as the development and implementation of national human rights action plans and other reporting obligations of the State party. As a result of comprehensive examination of a State party's implementation of all its treaty obligations, reporting to a unified standing treaty body would stimulate more effective mainstreaming of the rights of specific groups or issues in the interpretation and implementation of all human rights treaty obligations, thereby making these more visible and central. At the same time, the current specialized expertise of treaty bodies and their focused attention on specific rights and rights-holders would be safeguarded and built upon.

29. A comprehensive and holistic assessment of a State's human rights performance against all relevant obligations by the unified standing treaty body resulting in a single document containing all key concerns and recommendations would facilitate States parties' and other national stakeholders' consideration of the whole range of relevant human rights concerns and legislative, policy and programme measures required. By providing a complete picture of the human rights priorities, this holistic approach would also facilitate the work of stakeholders, such as NGOs, NHRIs and other parts of civil society at the country level, and make it easier for them to integrate these recommendations into their country programming. Partners would benefit from their different areas of human rights expertise and develop a common approach to human rights issues and requirements at the national level.

30. A unified standing treaty body would ensure a consistent approach to the interpretation of provisions in the treaties which are similar or overlap substantively. Complainants would also have the opportunity to invoke substantively overlapping or similar provisions of more than one instrument, thereby enhancing consistence and coherence in the interpretation of substantively similar provisions in the different instruments. A unified standing treaty body would also guarantee consistency and clarity of General Comments/Recommendations and, in that way, strengthen the interpretation of treaty provisions. The output of a unified standing treaty body would strengthen appreciation of the indivisibility of human rights obligations and the importance of a holistic, cross-cutting and comprehensive approach to implementation.

31. A unified standing treaty body could extend the period of the dialogue with individual States parties from the current average of one day per treaty body to, for example, up to five days, depending on factors such as the number of treaties ratified. By combining the seven dialogues currently operating independently into one, in-depth session with one monitoring counterpart rather than seven, the dialogue would be transformed into a strategic and continuous tool for monitoring human rights performance against all obligations. States parties would be encouraged to send expert delegations including all Government ministries having responsibility for the full range of human rights to respond to detailed questions and benefit from the expertise of Committee members. An extension of the period of dialogue would provide new opportunities for stakeholders to contribute information and exchange views with the Committee. Enhanced participation, information and exchange of views on all human rights obligations would result in an overall package of more precise, clear and practical recommendations. Improved dialogue, engagement and output would encourage greater participation of civil society and other actors, thereby facilitating implementation at the national level.

32. Members of the unified standing treaty body would be available on a permanent basis. This would allow them to build on the current achievements of the system to develop strong, coherent, innovative and flexible approaches to monitoring implementation of the treaties. As members would be permanent pending individual complaints would be adjudicated expeditiously, which would heighten the impact of views adopted in the context of complaints procedures, and encourage their wider use by rights-holders. Similarly, a unified standing treaty body would allow for a strengthening of follow-up capacity, by increasing the potential and feasibility for follow-up missions by the experts, given the permanent nature of their work.

33. A unified standing treaty body would inevitably be more visible than the existing treaty bodies, and would be able to make its procedures, recommendations and decisions better known at the national level. Enhanced visibility, in tandem with open and transparent procedures, would also arouse media interest, and conclusions and recommendations adopted by a unified standing treaty body on the overall human rights situation in a country are likely to attract more media attention than conclusions and recommendations adopted on the implementation of a single treaty.

34. In comparison to the current system of seven part-time bodies, as a standing body, the unified standing treaty body would be more flexible than the current bodies in respect of the timing and venue of its sessions. It would be able to group the consideration of the reports of several States parties from one region over the course of a few weeks, thereby enhancing regional peer pressure to engage with the system. It would also be available to convene sessions in regions, thereby strengthening the visibility of the system and ensuring its accessibility. It could also develop a regular pattern of missions relating to follow-up or capacity building.

35. A unified standing treaty body could also absorb new standards. It would be easier to integrate the monitoring of a new instrument into a unified monitoring structure already dealing with several treaties rather than incorporating new monitoring functions into the mandate of an existing treaty body, an option which has previously been rejected in the cases of CAT and the draft International Convention for the Protection of All Persons from Enforced Disappearance.

36. The permanent availability and functioning of a unified standing treaty body would allow for the establishment of stronger links with other human rights bodies, such as the special procedures mechanisms or regional human rights systems, to coordinate activities and complement action in accordance with the respective mandates. A unified standing treaty body would also be able to establish links with political bodies more readily than seven part-time bodies. A comprehensive, overall assessment of the implementation of international legal obligations under human rights treaties for countries in one single document, rather than in seven separate documents, would be more likely to attract heightened attention from political bodies such as a future Human Rights Council or the Security Council.

IV. IMPLEMENTING MEASURES: A UNIFIED STANDING TREATY BODY

37. The following section discusses some of the possible forms/modalities of operation of a unified standing treaty body, monitoring functions, including some possible innovations.

A. Forms/Modalities of operation

38. Currently, treaty bodies are in session for a total of 57 weeks. In order to accomplish monitoring functions currently carried out by the treaty bodies, the unified standing treaty body would be permanent. This would have implications for its working methods and procedures, but also its membership, both in terms of the number of members, as well as the formal requirements and qualifications for membership.

39. Different models for a unified standing treaty body could be envisaged, with much depending on the number of its members. A chamber or working group system would enable the body to take on a larger workload to deal with all the procedures. Such a system would also allow the unified standing treaty body to develop stronger follow-up mechanisms and innovative approaches to monitoring national implementation. A functional division between reporting and petitions could be envisaged, with the work with respect to these functions being further divided into chambers or working groups along treaty, thematic or regional lines, or operating in parallel. The design applied to the different functions and how they will be carried out would depend on the overall design of the unified standing treaty body.

1. A single body with no chambers

40. A unified standing treaty body with no chambers or working groups would ensure consistent interpretation. However, this model would not address the challenges to the current system arising from its workload and may worsen backlogs. Also, if the number of members of the body was large, it may be difficult to reach consensus on substantive and procedural matters.

2. Chambers operating in parallel

41. Under this model, each chamber would have the full mandate for all treaties and monitoring functions. Advantages would be that there would be a capacity for distribution of tasks and workload. All Committee members would exercise the various monitoring functions and thus achievements of the body under the various procedures would lead to reciprocal enrichment. The experience of CRC, which is currently applying a two-chambers model, and

CEDAW, which will introduce this modality in the latter part of 2006, should provide useful insights which should be considered in discussing this option.

3. Chambers along functional lines

42. A unified standing treaty body might choose to create separate chambers for the consideration of reports and individual complaints. Separate chambers could also be created for inquiries and country visits. A “follow-up” or “implementation” chamber could also be created, although such functions might also be assigned to specific task forces within the chambers dealing with reports and communications. This model would allow for distribution of tasks between chambers and allow members to develop expertise with regard to the specific procedures, in particular individual complaints. However, there would be a risk of disconnection among the chambers on substantive issues, which might result in inconsistency of interpretation. Ideally, the work of the unified standing treaty body in the context of one procedure should inform its work with respect to its other procedures. The workload which the unified standing treaty body would have may not be accommodated sufficiently by this option, and supplementary mechanisms to distribute workload might be required.

4. Chambers along treaty lines

43. The establishment of chambers along treaty lines would have the advantage of allowing for easy distribution of workload and maintaining specificity of each treaty. The issue of participation of experts from non-States parties could be avoided in this scenario, and members with specialized expertise could be elected. However, the benefits which should flow from the establishment of a unified standing treaty body, namely that it would produce a holistic, comprehensive and cross-cutting assessment of human rights situations, eliminate duplication and potential inconsistent interpretations, reduce the reporting burden, underline the indivisibility of rights, create visibility for the system and improve access for stakeholders, may be compromised by as this method would reflect the separations and divisions in the current system. However, unlike in the current system of seven treaty bodies, a unified standing treaty body working in chambers along treaty lines would implement identical working methods.

5. Chambers along thematic lines

44. Under this option, chambers could be structured along clusters of rights, such as non-discrimination, rule of law, etc. An advantage may be the reduced risk of inconsistencies in interpretation of overlapping provisions. However, clusters may be difficult to define and overlap between chambers would remain, and there might be undue emphasis on certain rights to the neglect of others. Also, States parties may find it difficult to report and stakeholders may find it difficult to interact with this system.

6. Chambers along regional lines

45. This option would allow for development of expertise relating to human rights issues in a particular region and could strengthen relationships with regional systems and partners. However, there could be a risk of inconsistencies among chambers. In addition, this modality might duplicate the work of regional systems, and may result in the emergence of regional rather than universal standards.

B. Functions

1. Reporting

46. Reporting and “constructive dialogue” are currently the primary tools used by treaty bodies to monitor implementation of treaty obligations by States parties. There are several options that the unified standing treaty body could consider in relation to reporting. It could adopt the approach of the current system and consider reports submitted under each of the seven treaties applicable to a State. It could require States to submit an expanded core document and treaty-specific reports relating to the treaties accepted by States parties. Responses to comprehensive and integrated lists of issues relating to all treaty obligations could replace periodic reports. This approach might facilitate reporting by States parties, eliminate backlogs and ensure that up-to-date information on implementation is available to the unified standing treaty body. This system would also allow the body to pre-schedule consideration of reports years in advance according to a regular, agreed cycle. This would allow for proper budgeting and estimation of costs.

2. Individual complaints

47. Procedural innovations could be instituted by a unified standing treaty body in relation to individual complaints. As in the current practice of treaty bodies with competence to consider complaints, the unified standing treaty body could appoint special rapporteurs for new complaints and interim measures, or working groups. The responsibilities of the special rapporteurs could be aligned along institutional/instrument lines (complaints under Optional Protocol to ICCPR and to CEDAW, art. 22 of CAT and art. 14 of CERD), or in accordance with overarching substantive clusters (non-discrimination, security of person, torture and non-refoulement, right to life, due process and administration of justice, etc.).

48. A unified standing treaty body could introduce expedited procedures for the handling of manifestly ill-founded cases (which could be adjudicated by a chamber of three). It could also introduce a fast-track procedure to adjudicate routine meritorious cases, which merely follow established jurisprudence.

49. The unified standing treaty body could be empowered to adjudicate claims of violations of provisions of more than one instrument in the context of the same case, provided that the State concerned is a party to both instruments. This would encourage coherence of interpretation of the major human rights instruments and provide further impetus towards a genuinely “unified” system. A chamber for consideration of complaints, or a staggered chamber system could be considered.

3. Inquiries

50. A unified standing treaty body would enhance the visibility and general awareness of the existence of this procedure, which could generate more inquiries. With its permanent membership and enhanced flexibility, the unified body would be able to develop more effective and innovative procedures, including more efficient follow-up measures.

4. General comments

51. As in the case of the existing treaty bodies, a unified standing treaty body would adopt and publish its interpretation of the content of human rights provisions, in the form of General Comments/Recommendations to clarify the content of human rights provisions. Unlike in the current system, a unified standing treaty body would be able to adopt a holistic approach to overlapping obligations in the treaties. The unified standing treaty body would also be well

placed to introduce more transparent and participatory processes for all stakeholders in the elaboration of General Comments/Recommendations.

5. Follow-up

52. A unified standing treaty body could introduce mechanisms, building on the practice of existing treaty bodies, to follow up implementation of concluding observations and recommendations, and decisions on individual cases. The rules of procedure of the unified standing treaty body should clearly spell out the follow-up competencies of the body, which could include in situ monitoring missions.

6. Early warning and fact finding

53. An early warning mechanism could be developed by a unified standing treaty body. As a standing body, it could respond quickly to violations requiring immediate attention, as well as emerging human rights situations, and, in a timely fashion, alert relevant actors within the United Nations system to take appropriate action.

54. A unified standing treaty body would approach human rights in a comprehensive, holistic and cross-cutting manner, and accordingly have greater capacity than the existing bodies to assess concrete human rights situations and developments at the country level. Building on CERD practice, the unified standing treaty body could adopt early warning/urgent action procedures without amending existing treaty provisions. Human rights violations could be responded to by a unified standing treaty body in close collaboration with special procedures' mandate holders, with the normal division of labour between the treaty bodies and special mechanisms being maintained.

7. Cooperation with partners

55. Interaction with United Nations entities is already an integral part of the current treaty body system. Provisions providing for formal interaction are included in the treaties (ICESCR, ICCPR, CEDAW, CRC and CMW) and/or in their Committees' rules of procedure (HRC, CEDAW, CAT, CRC). A unified standing treaty body could encourage greater practical engagement by United Nations specialized agencies, programmes and funds in the reporting process, at all phases of the reporting cycle, both at the national and at the international levels. As in the current system, the unified standing treaty body could invite specialized agencies and other parts of the United Nations system to provide written reports with country-specific information on States parties, and could adopt standard guidelines to facilitate this process.

56. All treaty bodies have developed modalities for interaction with non-governmental organizations, and this interaction now forms an integral part of the monitoring process. In addition, treaty bodies highly value the interaction that has developed with civil society representatives. One of the action points of the High Commissioner's Plan of Action is "to build stronger collaborations with civil society and work together with them to contribute to long-term human rights achievements."¹² The unified standing treaty body could build on the achievements of the current system and significantly strengthen the role of civil society actors in its activities.

8. Days of general discussion

57. The general/thematic discussions convened by the existing treaty bodies have proven to be valuable discussion forums, which attract the participation of Government representatives,

¹² A/59/2005/Add.3, para. 144.

individual experts, United Nations bodies and specialized agencies as well as members of civil society. General/thematic discussions and subsequent recommendations have fed into the preparation of General Comments and prompted the launching of global studies.¹³

58. A unified standing treaty body could build on this experience and strengthen the role of general/thematic discussions in making the system visible and accessible. A unified standing treaty body could introduce, different and more flexible approaches in order to engage as many stakeholders. It could convene days of general discussions in regions which would focus on particular human rights concerns of specific to regions. It could also convene days of general discussion on themes common to the treaties, which would allow for the development of a cross-cutting approach to human rights. The output of days of general discussion organized by a unified standing treaty body could form the background to the preparation of General Comments/Recommendations on thematic issues relevant across treaty lines.

V. ISSUES TO BE CONSIDERED IN THE CREATION OF A UNIFIED STANDING TREATY BODY

A. Specificity

59. A key feature of the current system of seven human rights treaties is the promotion and protection of the rights of particular rights-holders, such as children, women and migrant workers. Some commentators have expressed the view that the creation of a unified standing treaty body may lead to diminished protection for these rights holders because such a body would be unable to monitor implementation of the specificities of each treaty in sufficient depth. Commentators have also suggested that the establishment of a unified standing treaty body would result in less scrutiny of the implementation of specific rights, such as freedom from torture and racial discrimination. It has also been suggested that the establishment of a unified standing treaty body in place of the existing bodies might diminish the capacity of the treaty body process to galvanize those sectors of the Government and the community dealing with, or interested in, specific issues. The point has also been made that the variety of expertise available in the membership of the existing Committees is greater than could be available to a unified standing treaty body. In the process of designing a unified standing treaty body, measures would be taken to prevent the loss of specialized expertise of the present system and ensure that the dialogue under a new monitoring regime maintained the current focus on the promotion and protection of the rights of specific rights-holders and specific rights. Measures would also be taken to ensure that the treaty body process continues to engage those sectors of the Government and the community dealing with, or interested in, the rights of specific rights holders or rights issues.

B. Different ratification patterns

60. As universal ratification has yet to be achieved and Member States have different ratification patterns, the establishment of a unified standing treaty body poses a number of procedural challenges. These include how the membership of a unified standing treaty body would be determined, and whether members of the body could participate in deliberations and decision-making on substantive treaty obligations that their own country has not accepted. In the narrow context of complaints, under the current practice, members of the HRC, CEDAW, CERD and CAT can, and do, participate in the consideration of complaints even if their country of origin has not ratified the Optional Protocol to the ICCPR or to CEDAW or has not made the declaration under article 14 of CERD or article 22 of CAT. This issue could also be resolved

¹³ A unique provision of the Convention on the Rights of the Child, article 45 (c), enables the Committee to recommend to the General Assembly that the Secretary-General undertake studies on specific issues related to the rights of the child. The General Assembly has requested the Secretary-General to undertake comprehensive studies on the impact of armed conflict on children and on violence against children.

through the composition of chambers, if a chamber system is indeed the preferred working modality for a unified standing treaty body.

C. Membership

61. The ultimate success of any monitoring system, including of a unified standing treaty body, depends on the calibre and independence of the experts monitoring implementation of treaty standards. Quality of membership of a unified standing treaty body could be ensured by instituting election procedures which include processes which provide States parties with more information on candidates. More detailed criteria for candidature, qualifications and expertise and term limits, as well as geographic and gender balance, could also be introduced. Members of a permanent body would require remuneration at a sufficiently senior level to attract the highest calibre of candidates. In this regard, experience from similar bodies, including those operating at the regional level, may be helpful.

62. Mechanisms could be designed so that members retained their links with their constituencies, so as to ensure that the unified standing treaty body benefits from the relevant national experiences and expertise and avoids bureaucratization. A unified standing treaty body could be composed of a combination of permanent and non-permanent members, thereby ensuring that each examination/procedure benefited from the appropriate level of expertise. The permanent members could provide continuity, coherence and consistency, and non-permanent members could provide specialist expertise as required in the situation/case at hand.

63. A detailed system for the nomination and election of experts could also be developed, in particular in view of the different ratification patterns.

D. Legal issues

64. With the exception of CESC, all the human rights treaty bodies are created by the human rights treaties they monitor. The creation of a unified standing treaty body raises significant legal issues. Different options may be envisaged. The first option might involve amendments to each of the human rights treaties, as envisaged in their amendment provisions. The second option could be based on an overarching amending procedural protocol. Legally non-binding solutions could also be envisaged. These may include a gradual transfer of competencies to one of the existing human rights treaty bodies or, alternatively, the temporary suspension of the functions of the treaty bodies and the transfer of their powers to a unified standing treaty body created by means of a General Assembly resolution.

65. Any transitional arrangements would depend on the option perceived to be the most viable approach to the establishment of a unified standing treaty body. Concurrent application of parallel monitoring regimes should be avoided, as this would further complicate, rather than simplify and strengthen the monitoring regime. Concurrent systems would also compromise the aim of the reform exercise. At a minimum, a simplified ratification procedure, or the provisional application of the new monitoring regime pending the entry into force of the amendments (amending protocol), as in the case of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, could be envisaged.

Annex 1: Facts and figures about reporting

Ratifications

- All States are party to at least one of the treaties and 75% are party to four or more;
- 71% of all possible ratifications have been undertaken, more than two-thirds of the way to universal ratification. Excluding the ICRMW, 77% of all possible ratifications have been undertaken.

The present system - some basic facts

- 7 treaty bodies with 3 more soon to be created or envisaged (SCP under OPCAT, CED and CRPD);
- 115 members elected by States parties (or members of ECOSOC);
- 57 weeks of sessions per year

Compliance with reporting obligations

	<i>No. of States parties</i>	<i>No. of initial reports submitted</i>	<i>No. of overdue reports</i>	<i>No. of States parties with no overdue reports</i>	<i>Total number of reports received¹⁴</i>	<i>Total number of reports due by 16 Feb 2006</i>
ICERD	170 (88%)	152 (89%)	437	60 (35%)	1695 (80%)	2132
ICCPR	155 (80%)	129 (83%)	187	53 (34%)	334 (64%)	521
ICESCR	152 (78%)	110 (72%)	211	62 (41%)	213 (50%)	424
CEDAW	180 (93%)	151 (84%)	166	94 (52%)	592 (78%)	758
CAT	141 (73%)	101 (72%)	178	45 (32%)	247 (58%)	425
CRC	192 (99%)	183 (95%)	132	115 (60%)	302 (70%)	434
CRC-OPAC	104 (54%)	18 (17%)	49	55 (53%)	18 (27%)	67
CRC-OPSC	103 (53%)	14 (14%)	56	47 (46%)	14 (20%)	70
ICRMW	34 (18%)	2 (6%)	26	8 (24%)	2 (7%)	28
Total	1231 (71%)	860 (70%)	1442		3417 (70%)*	4859

- 70% of all reports that were due by 16 February 2006 have in fact been submitted*;
- 30% of initial reports have not yet been submitted;
- A State that has ratified all nine treaties imposing reporting obligations must produce a report to a treaty body on average once every five and a half months;
- For the period January 2004 to December 2005, the reports of 188 States parties were considered: 36 States were required to present a report to more than one treaty body, 13 to three treaty bodies, and two States to four treaty bodies. Additionally, HRC considered two States parties in the absence of a report and CERD completed its review procedure in the case of four States parties.¹⁵

¹⁴ A number of treaty bodies accept combined reports to address the reporting backlog. One State party submitted its combined initial (due 17 March 1978) to fourteenth periodic (due 17 March 2004) reports in one document of 24 pages.

¹⁵ For the period January 2004 to December 2005, CERD scheduled a review of the implementation of the Convention in 24 States parties. Some States parties were withdrawn from the review procedure following the submission of their reports. In other cases, reviews were postponed at the request of the States parties, which had indicated their intention to submit the requested reports within a short period of time.

Annex 2: Reporting status per State party as of 16 February 2006

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Afghanistan	5		25	16	8	4
Albania	10	1 ¹⁶	3	1		
Algeria	25	1 ¹⁷	7	1		
Andorra	4		2			
Angola	6		6	4	2	2
Antigua & Barbuda	4		14	8	5	3
Argentina	34		4			2
Armenia	12		7	1		
Australia	32	1 ¹⁸	2			
Austria	32	1 ¹⁹	4			
Azerbaijan	15	2 ²⁰	5			3
Bahamas	15		3	2	1	1
Bahrain	9		5	1		3
Bangladesh	20	1 ²¹	8	2		3
Barbados	24		10	6	2	
Belarus	35		6	2		1
Belgium	27	1 ²²	5			
Belize	7	2 ²³	11	4	1	5
Benin	9	2 ²⁴	5			1
Bhutan	7		2	1		
Bolivia	27	3 ²⁵	8	1		2
Bosnia & Herzegovina	12	9 ²⁶	6	2	1	4
Botswana	17	2 ²⁷	7	1		4
Brazil	28	1 ²⁸	3	2	1	
Brunei Darussalam	1					
Bulgaria	26		17	8	2	2
Burkina Faso	18		13	5		4
Burundi	14	1 ²⁹	16	8	1	1
Cambodia	13		14	6	1	2
Cameroon	22		11	4		
Canada	41	7 ³⁰	1			
Cape Verde	19	6 ³¹	15	7	3	6

¹⁶ Initial report (CESCR)¹⁷ Third periodic report (CAT)¹⁸ Third periodic report (CAT)¹⁹ Sixth periodic report (CEDAW)²⁰ Second and third periodic reports (CEDAW)²¹ Initial report (CRC-SC)²² Initial report CRC-AC)²³ Third and fourth periodic reports (CEDAW)²⁴ Second periodic reports (CAT and CRC)²⁵ Second to fourth periodic reports (CEDAW)²⁶ Initial to sixth periodic reports (CERD) and initial to third periodic reports (CEDAW)²⁷ Fifteenth and sixteenth periodic reports (CERD)²⁸ Sixth periodic report (CEDAW)²⁹ Initial report (CAT)³⁰ Fourth and fifth periodic reports (CESCR), fifteenth to eighteenth periodic reports (CERD) and initial report (CRC-AC)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Central African Republic	9		24	18	10	2
Chad	10		19	10		6
Chile	32	2 ³²	7	1		2
China	22	2 ³³	5	1		
Colombia	30	3 ³⁴	7	2		2
Comoros	1		5	3	1	1
Congo (Republic of the)	8	1 ³⁵	15	9	6	2
Cook Islands	0		2	1		
Costa Rica	31	2 ³⁶	9	3	1	
Côte d'Ivoire	15		17	7	2	4
Croatia	15		5			2
Cuba	21	2 ³⁷	9	3		1
Cyprus	32	3 ³⁸	6	1		
Czech Republic	18	4 ³⁹	1			
Dem. People's Rep. of Korea	7		1			
Dem. Rep. of the Congo	21	3 ⁴⁰	15	6	2	2
Denmark	41	5 ⁴¹	1			
Djibouti	1		7	2		4
Dominica	1		14	9	6	5
Dominican Republic	20		8	3		
Ecuador	33		5			1
Egypt	31		10	2	1	2
El Salvador	28	7 ⁴²	3			1
Equatorial Guinea	6		13	6	4	5
Eritrea	4		4			3
Estonia	17	4 ⁴³	1			
Ethiopia	14	1 ⁴⁴	18	12	7	3
Fiji	17		6	2		
Finland	39	2 ⁴⁵				
France	31		5	1		2
Gabon	17		11	4	2	1

³¹Initial to sixth periodic reports (CEDAW)

³²Fourth periodic report (CEDAW) and third periodic report (CRC)

³³Fifth and sixth periodic reports (CEDAW)

³⁴Fifth and sixth periodic reports (CEDAW) and third periodic report (CRC)

³⁵Initial report (CRC)

³⁶Initial reports (CRC-AC and CRC-SC)

³⁷Fifth and sixth periodic reports (CEDAW)

³⁸Third to fifth periodic reports (CEDAW)

³⁹Sixth and seventh periodic reports (CERD), third periodic report (CEDAW) and initial report (CRC-AC)

⁴⁰Third periodic report (CCPR) and fourth and fifth periodic reports (CEDAW)

⁴¹Sixteenth and seventeenth periodic reports (CERD), sixth periodic report (CEDAW), fifth periodic report (CAT) and initial report (CRC-SC)

⁴²Second periodic report (CESCR), ninth to thirteenth periodic reports (CERD) and initial report (CRC-AC)

⁴³Sixth and seventh periodic reports (CERD), fourth periodic report (CEDAW) and second periodic report (CAT)

⁴⁴Third periodic report (CRC)

⁴⁵Fifth periodic reports (CESCR and CEDAW)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Gambia	6		24	18	12	1
Georgia	15	3 ⁴⁶				
Germany	35		3			
Ghana	24	3 ⁴⁷	8	1		4
Greece	28	1 ⁴⁸	5	1		1
Grenada	1		12	8	4	3
Guatemala	27	6 ⁴⁹	4			3
Guinea	20	3 ⁵⁰	17	10	5	3
Guinea-Bissau	1		10	7	4	2
Guyana	24	14 ⁵¹	8	4	2	1
Haiti	14		13	8	4	2
Holy See	16		8	2		3
Honduras	11	5 ⁵²	7	1		3
Hungary	35	2 ⁵³	5	1		
Iceland	37	4 ⁵⁴				
India	27	6 ⁵⁵	4	2	1	
Indonesia	9	3 ⁵⁶	4	1		1
Iran (Islamic Rep. of)	22		8	4	2	
Iraq	25		11	5		
Ireland	13	1 ⁵⁷	3			2
Israel	25	5 ⁵⁸	1			
Italy	35	3 ⁵⁹	2			
Jamaica	26	1 ⁶⁰	6			1
Japan	16	1 ⁶¹	5			
Jordan	25	3 ⁶²	10	4		
Kazakhstan	9	2 ⁶³	1			
Kenya	9	1 ⁶⁴	9	2		3
Kiribati	1	1 ⁶⁵	2			1
Kuwait	20		10	3		
Kyrgyzstan	8		9	1		3

⁴⁶ Second and third periodic reports (CEDAW) and third periodic report (CAT)

⁴⁷ Third to fifth periodic reports (CEDAW)

⁴⁸ Sixth periodic report (CEDAW)

⁴⁹ Eighth to eleventh periodic reports (CERD), sixth periodic report (CEDAW) and fourth periodic report (CAT)

⁵⁰ Fourth to sixth periodic reports (CEDAW)

⁵¹ Initial to fourteenth periodic reports (CERD)

⁵² Initial report (CCPR), fourth to sixth periodic reports (CEDAW) and third periodic report (CRC)

⁵³ Third periodic report (CESCR) and fourth periodic report (CAT)

⁵⁴ Fifth periodic report (CEDAW), third periodic report (CAT) and initial reports (CRC-AC and CRC-SC)

⁵⁵ Second and third periodic reports (CEDAW) and fifteenth to eighteenth periodic reports (CERD)

⁵⁶ Fourth and fifth periodic reports (CEDAW) and second periodic report (CAT)

⁵⁷ Second periodic report (CRC)

⁵⁸ Tenth to thirteenth periodic reports (CERD) and fourth periodic report (CEDAW)

⁵⁹ Fourth periodic report (CAT) and initial reports (CRC-AC and CRC-SC)

⁶⁰ Fifth periodic report (CEDAW)

⁶¹ Initial report (CAT)

⁶² Third and fourth periodic reports (CEDAW) and third periodic report (CRC)

⁶³ Second periodic report (CEDAW) and initial report (CRC-AC)

⁶⁴ Second periodic report (CRC)

⁶⁵ Initial report (CRC)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Lao People's Dem. Rep.	21		2	1		
Latvia	15	3 ⁶⁶	3	1		
Lebanon	25	1 ⁶⁷	7	3	1	1
Lesotho	16		15	6	1	5
Liberia	1		23	16	13	4
Libyan Arab Jamahiriya	30	2 ⁶⁸	6	1		1
Liechtenstein	11	4 ⁶⁹	3	1		
Lithuania	12	3 ⁷⁰	3			1
Luxembourg	30	1 ⁷¹				
Madagascar	25	1 ⁷²	11	7	4	1
Malawi	6	4 ⁷³	14	7	1	4
Malaysia	2	2 ⁷⁴	3	1		1
Maldives	8	2 ⁷⁵	11	5	2	2
Mali	24	2 ⁷⁶	12	4	2	4
Malta	23	1 ⁷⁷	10	4		
Marshall Islands	2	1 ⁷⁸	1			
Mauritania	9	1 ⁷⁹	2	1		
Mauritius	28	3 ⁸⁰	9	2	1	
Mexico	37	9 ⁸¹	4			2
Micronesia (Fed. States of)	1		2	1		
Monaco	7	2 ⁸²	7	4		1
Mongolia	31	3 ⁸³	6	1		2
Morocco	32	1 ⁸⁴	5			2
Mozambique	4	2 ⁸⁵	17	11	6	3
Myanmar	3		1			
Namibia	13	2 ⁸⁶	14	5		3
Nauru	0		2	1		1

⁶⁶ Initial report (CESCR) and second periodic reports (CAT and CRC)

⁶⁷ Third periodic report (CRC)

⁶⁸ Fourth periodic report (CCPR) and second periodic report (CEDAW)

⁶⁹ Initial report (CESCR), second and third periodic reports (CERD) and second periodic report (CEDAW)

⁷⁰ Second and third periodic reports (CERD) and third periodic report (CEDAW)

⁷¹ Fifth periodic report (CAT)

⁷² Third periodic report (CCPR)

⁷³ Second to fifth periodic reports (CEDAW)

⁷⁴ Initial and second periodic reports (CEDAW)

⁷⁵ Second and third periodic reports (CEDAW)

⁷⁶ Second periodic report (CRC) and initial report (CMW)

⁷⁷ Initial report (CRC-AC)

⁷⁸ Second periodic report (CRC)

⁷⁹ Initial report (CEDAW)

⁸⁰ Third to fifth periodic reports (CEDAW)

⁸¹ Fourth periodic report (CESCR), twelfth to fifteenth periodic reports (CERD), sixth periodic report (CEDAW), fourth periodic report (CAT), third periodic report (CRC) and initial report (CMW)

⁸² Initial reports (CESCR and CRC-AC)

⁸³ Sixteenth to eighteenth periodic reports (CERD)

⁸⁴ Third periodic report (CESCR)

⁸⁵ Initial and second periodic reports (CEDAW)

⁸⁶ Second and third periodic reports (CEDAW)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Nepal	25		2	1		
Netherlands	32	3 ⁸⁷	1			
New Zealand	32		4			
Nicaragua	21	1 ⁸⁸	11	5	2	
Niger	18	2 ⁸⁹	14	8	3	2
Nigeria	27		5	2		1
Niue	0		2	1		1
Norway	43	5 ⁹⁰				
Oman	3	2 ⁹¹				
Palau	1		1			
Panama	26		17	8	3	2
Papua New Guinea	2		13	10	6	1
Paraguay	13		7	1		3
Peru	31	2 ⁹²	10	4	1	1
Philippines	26	2 ⁹³	15	7	2	3
Poland	37	4 ⁹⁴	3			
Portugal	28	1 ⁹⁵	5			
Qatar	15	2 ⁹⁶	6			2
Republic of Korea	26	3 ⁹⁷	3			1
Republic of Moldova	11	2 ⁹⁸	6			
Romania	30	1 ⁹⁹	13	5	2	2
Russian Federation	38	1 ¹⁰⁰	2			
Rwanda	20		16	9	5	2
Saint Kitts and Nevis	5		3	1		
Saint Lucia	7	6 ¹⁰¹	8	5	3	1
Saint Vincent & the Grenadines	15		14	9	5	2
Samoa	4	1 ¹⁰²	2			
San Marino	2		9	5	3	3
Sao Tome & Principe	1		1			
Saudi Arabia	6		3			1
Senegal	27	1 ¹⁰³	14	5	1	2

⁸⁷ Third periodic report (CESCR) and fourth periodic reports (CEDAW and CAT)

⁸⁸ Sixth periodic report (CEDAW)

⁸⁹ Initial and second periodic reports (CEDAW)

⁹⁰ Fifth periodic report (CCPR), seventeenth and eighteenth periodic reports (CERD), fifth periodic report (CAT) and initial report (CRC-AC)

⁹¹ Initial report (CERD) and second periodic report (CRC)

⁹² Sixth periodic report (CEDAW) and fourth periodic report (CAT)

⁹³ Fifth and sixth periodic reports (CEDAW)

⁹⁴ Fourth to sixth periodic reports (CEDAW) and fourth periodic report (CAT)

⁹⁵ Fourth periodic report (CAT)

⁹⁶ Initial reports (CAT and CRC-SC)

⁹⁷ Third periodic report (CCPR), fifth periodic report (CEDAW) and second periodic report (CAT)

⁹⁸ Second and third periodic reports (CEDAW)

⁹⁹ Sixth periodic report (CEDAW)

¹⁰⁰ Fourth periodic report (CAT)

¹⁰¹ Initial to sixth periodic reports (CEDAW)

¹⁰² Initial report (CRC)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
Serbia & Montenegro ¹⁰⁴	25		11	3		4
Seychelles	6		24	14	8	5
Sierra Leone	4		30	19	13	6
Singapore	4	1 ¹⁰⁵				
Slovakia	11		6	3		
Slovenia	15		3			
Solomon Islands	3		12	8	6	1
Somalia	4		20	16	10	3
South Africa	6	4 ¹⁰⁶	7	2		2
Spain	36		7	1		2
Sri Lanka	22		9	2		2
Sudan	16		6			1
Suriname	18	2 ¹⁰⁷	3	2	1	
Swaziland	15	1 ¹⁰⁸	8	2		3
Sweden	38	1 ¹⁰⁹	2			1
Switzerland	14		5	1		
Syrian Arab Republic	25	2 ¹¹⁰	4	1		1
Tajikistan	12	5 ¹¹¹	7	2		3
Thailand	8		2			2
The FYR Macedonia	14	5 ¹¹²	7	3		1
Timor-Leste	0		8			8
Togo	16	1 ¹¹³	21	15	10	1
Tonga	14		5	1		1
Trinidad and Tobago	25		4			
Tunisia	31		12	3		2
Turkey	9	1 ¹¹⁴	5			3
Turkmenistan	8	3 ¹¹⁵	8	4		3
Tuvalu	0		4	2		2
Uganda	17		12	4	2	4
Ukraine	40	4 ¹¹⁶	2			1
United Arab Emirates	12		7	2		1

¹⁰³ Second periodic report (CRC)

¹⁰⁴ The treaty bodies have considered reporting obligations of successor States in different ways. Consequently, there may be slight variations in the number of reports. In this case, the reports submitted include reports submitted by the former Yugoslavia, the Federal Republic of Yugoslavia and Serbia and Montenegro. See <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/historicalinfo.asp>

¹⁰⁵ Third periodic report (CEDAW)

¹⁰⁶ Initial to third periodic reports (CERD) and initial report (CAT)

¹⁰⁷ Third periodic report (CEDAW) and second periodic report (CRC)

¹⁰⁸ Initial report (CRC)

¹⁰⁹ Fifth periodic report (CAT)

¹¹⁰ Initial reports (CEDAW and CRC-SC)

¹¹¹ Initial report (CESCR), initial to third periodic reports (CEDAW) and initial report (CAT)

¹¹² Initial report (CESCR) and fourth to seventh periodic reports (CERD)

¹¹³ Initial report (CAT)

¹¹⁴ Initial report (CRC-SC)

¹¹⁵ Initial and second periodic reports (CEDAW) and initial report (CRC)

¹¹⁶ Sixth periodic report (CCPR), seventeenth and eighteenth periodic reports (CERD) and fifth periodic report (CAT)

Countries	Reports submitted	Pending consideration	Total overdue	5 years overdue	10 years overdue	Initial overdue
United Kingdom	37	1 ¹¹⁷	1			1
United Republic of Tanzania	24	1 ¹¹⁸	9	4	2	2
United States of America	8	3 ¹¹⁹	6			2
Uruguay	27		18	7	1	3
Uzbekistan	16	7 ¹²⁰				
Vanuatu	4	3 ¹²¹	2	1		
Venezuela (Bolivarian Rep. of)	33		6	1		2
Viet Nam	22	4 ¹²²	7	2	1	
Yemen	30	2 ¹²³	4	2		
Zambia	27	2 ¹²⁴	2			
Zimbabwe	8		11	5		
TOTAL	3417	295	1442	585	225	282

¹¹⁷ Fifth periodic report (CEDAW)

¹¹⁸ Second periodic report (CRC)

¹¹⁹ Second and third periodic reports (CCPR) and second periodic report (CAT)

¹²⁰ Third to fifth periodic reports (CERD), second and third periodic reports (CEDAW), third periodic report (CAT) and second periodic report (CRC)

¹²¹ Initial to third periodic reports (CEDAW)

¹²² Fifth and sixth periodic reports (CEDAW) and initial reports (CRC-AC and CRC-SC)

¹²³ Fifteenth and sixteenth periodic reports (CERD)

¹²⁴ Third periodic report (CCPR) and second periodic report (CAT)

Annex 3: Average time from submission to consideration of State party reports by the treaty bodies in 2005

Treaty Body	Months			Average Months
CAT	34th session	35th session		
	17.5 months	20.5 months		19
CESCR	34th session	35th session		
	13 months	18 months		15.5
HCR	83rd session	84th session	85th session	
	10 months	12 months	14 months	12
CERD	66th session	67th session		
	12 months	13 months		12.5
CRC	38th session	39th session	40th session	
	24 months	22 months	21 months	22.3
CEDAW	32nd session	33rd session		
	18 months	28.5 months		23.25
TOTAL AVERAGE				17.4

**Annex 4: Statistics relating to the individual complaint procedures of
ICCPR, CAT and CERD**

Overall cases registered with ICCPR		1453	
Cases pending		316	
Countries with highest percentage of registration			
	State party	Total number of cases registered	Overall percentage
1.	Jamaica	177	12.18
2.	Canada	118	8.12
3.	Australia	98	6.74
4.	Spain	93	6.40
5.	Netherlands	82	5.64
6.	Uruguay	79	5.44
7.	Uzbekistan	71	4.89
8.	France	66	4.54
	Total	784	53.95

Overall cases registered with CAT		288	
Cases pending		41	
Countries with highest percentage of registration			
	State party	Total number of cases registered	Overall percentage
1.	Sweden	66	22.92
2.	Switzerland	56	19.44
3.	Canada	49	17.01
4.	France	30	10.42
5.	Australia	20	6.94
6.	Netherlands	14	4.86
	Total	235	81.60

Overall cases registered with CERD		35	
Cases pending		3	
Countries with highest percentage of registration			
	State party	Total number of cases registered	Overall percentage
1.	Denmark	14	40.00
2.	Australia	6	17.14
3.	Sweden	3	8.57
4.	Norway	3	8.57
5.	Slovakia	3	8.57
6.	Netherlands	3	8.57
	Total	32	91.43

Annex 5: Resource implications of the Human Rights Treaty Bodies

2006-2007	Regular Budget	Extra-Budgetary	Total
TB experts (travel and DSA) OHCHR	5,957,800	2,625,200	8,583,000
OHCHR staff	10,756,500	6,133,000	16,889,500
DAW ¹²⁵	2,912,000	n/a	2,912,000
CEDAW	1,142,200	n/a	1,142,200
Conference services ¹²⁶	19,200,000	n/a	19,200,000

2006-2007

The UN regular budget (Section 24) Subprogramme 2 allocated USD 5,957,800 for the six Geneva based treaty bodies, for the travel and DSA of 92 experts.

Section 9 Subprogramme 2 (DAW/DESA) allocated USD 1,142,200 for the travel and DSA of the 23 CEDAW experts.

Total allocation for travel and DSA of 115 experts for the biennium 2006-2007 was **USD 7,100,000**

A permanent body of 25 experts would cost approximately USD 7,700,000 per year. It is expected that the experts would be at USG level.

Conference Services Costs

Based on the programme budget implications provided by conference services in New York (for CEDAW additional session in 2007, A/59/38 annex 9, and for the two chambers for CRC) a three-week session with a week of working group will cost approximately USD 1,200,000.

Consequently, the requested 13 sessions¹²⁷ per year of treaty body meetings would require some USD 19,200,000 being made available to conference services. Most of these resources are already available to conference services.

¹²⁵ DAW staff for the Women's Rights Section dedicated to the servicing of CEDAW (two P-4, one P-3, one P-2 and 2 GS).

¹²⁶ These costs are only indicative and have not been approved by Conference Services for this specific exercise but have been taken from previous costing received by OHCHR and DAW.

¹²⁷ Three sessions a year of three weeks preceded by a week of working group for HRC and CEDAW, three sessions a year of three weeks preceded by one week of working group for CRC, two sessions a year of three weeks preceded by a week of working group for CESC, two sessions of three weeks a year for CERD, two sessions of two and three weeks respectively preceded by a week of working group for CAT and one three week session for MWC.