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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Report of the Secretary-General on measures taken to implement resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system*

Summary

In its resolution 9/8 entitled “Effective implementation of international human rights instruments”, the Human Rights Council requested the Secretary-General to report annually on measures taken to implement that resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing, and reforming the treaty body system. The present report briefly highlights the most recent developments in this regard.

* Late submission

1. In its resolution 9/8 entitled “Effective implementation of international human rights instruments”, the Human Rights Council requested the Secretary-General to report annually on measures taken to implement that resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing, and reforming the treaty body system. This report briefly highlights the most recent developments in this regard.

2. Information regarding the twenty-second meeting of the chairs of the human rights treaty bodies, held in Brussels on 1 and 2 July 2010, has been submitted to the sixty-fifth session of the General Assembly pursuant to its resolution 57/202. This report (A/65/190) also includes information on the outcomes of the tenth and eleventh inter-committee meetings of the human rights treaty bodies. The meeting of the chairs was for the first time not held in Geneva, the idea being to bring treaty bodies closer to the implementation level.

3. During 2010, human rights treaty bodies held 21 sessions amounting to 68 weeks in Geneva and New York (each session lasting between one and four weeks), during which 138 State party reports were reviewed in plenary sessions. The Committee on the Elimination of Discrimination against Women held one additional session in October 2010, the Committee on the Rights of the Child held its three sessions in parallel chambers and the Committee on the Elimination of Racial Discrimination extended its sessions by one week to address the backlog of reports awaiting review. Treaty bodies received during 2010 a total of 147 States party reports, including 13 common core documents.

4. The treaty bodies continued their work to finalize treaty-specific reporting guidelines to complement the guidelines for the common core document. In 2010, the Committee on the Rights of the Child and the Human Rights Committee adopted their treaty-specific reporting guidelines. The Committee on the Rights of Persons with Disabilities adopted its rules of procedures and the Committee against Torture adopted its amended rules of procedure. Treaty bodies continued to develop, improve and implement such new working methods as establishing the list of issues prior to reporting, notably the Committee against Torture and the Human Rights Committee, and refining the follow-up procedures to concluding observations and decisions on individual communications. The Committee on the Elimination of Racial Discrimination decided that, instead of sending lists of questions before the session, the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party’s delegation and the Committee during the consideration of the State party’s report. Such a list of themes does not require written replies. The Committee on the Elimination of Discrimination against Women decided to improve the format of its concluding observations. Both the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted new general recommendations/comments. Treaty bodies and the Secretariat continued efforts to harmonize and standardize their work, including through the three-day eleventh inter-committee meeting of the human rights treaty bodies and the two-day twenty-second meeting of the chairs.

5. Treaty bodies and the Secretariat examined some 11,600 items of correspondence and over 150 new individual complaints received by the treaty bodies were registered. The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women examined and adopted final decisions on some 110 communications in total. They issued over 55 requests for interim measures of protection in cases where lack of such protection might lead to irreparable harm for the petitioners. They also followed up on over 60 decisions in which violations of the International Covenant on Civil and Political Rights, the Convention against Torture or the Convention on the Elimination of Discrimination against Women had been found.

6. Six meetings of States parties took place in Geneva or New York during 2010, essentially to hold elections to fill seats for which the previous members' mandates had ended (the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee on the Elimination of Discrimination against Women, the Committee on Economic Social and Cultural Rights, the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child). In the case of the Subcommittee on Prevention of Torture the membership expanded to 25 members following the entry into force of the Convention for the fiftieth State party and its meeting of States parties thus also elected experts to fill the new seats. The membership of the Committee on the Rights of Persons with Disabilities was enlarged from 12 to 18 following the entry into force of the Convention for the sixtieth State party. During 2010, human rights treaty bodies also had three informal meetings with States parties which were widely attended and provided an opportunity for States parties and treaty bodies to discuss the most recent developments in the work of treaty bodies, as well as other matters of common interest, in particular the efforts of treaty bodies to improve their working methods (the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, and the Committee against Torture). An open-ended working group of the Human Rights Council on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure met from 6 to 10 December 2010.

7. OHCHR updated the training tool (DVD) on the work of the treaty bodies, entitled "Bringing human rights home", which is available in all United Nations official languages. In addition to traditional treaty body support provided by country offices, the Human Rights Treaties Division of OHCHR has continued to support in 2010 a number of capacity-building activities and training sessions upon requests of State parties, United Nations partners and regional organizations, on the common core document and treaty-specific guidelines, reporting, individual communications and follow-up to recommendations in Bahrain; Belarus; Cap Verde; Hong Kong, China; Japan; Kazakhstan; the former Yugoslav Republic of Macedonia; Mexico; Peru; Qatar; Senegal; and Turkmenistan. Also, the Division's staff trained or presented the work of the treaty bodies at specific events upon the request of regional organizations such as the Council of Europe, United Nations departments, programmes and specialized agencies, academia and civil society.

8. On 29 November 2010, OHCHR organized an event to celebrate the twentieth anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in cooperation with the International Steering Committee for the campaign for ratification of the Convention. Participants discussed legal, social and practical improvements in the protection of migrants and migration policies following ratification; the relationship between international migration, development and the protection of human and labour rights of migrants; the application and applicability of the standards contained in the Convention, and the current and future prospects for further ratifications.

9. OHCHR organized a one-day celebration on 29 October 2010 to commemorate the 100th session of the Human Rights Committee. On this occasion, States parties, United Nations bodies and other intergovernmental organizations, national human rights institutions, international and national non-governmental organizations and academics were invited to join the members of the Committee for discussions on the main following themes: identifying and stocktaking the main achievements, constraints and challenges faced by the Committee; assessing the implementation of the Covenant in the various regions of the world, with examples of achievements and best practices regarding civil and political rights; and identifying priorities for future activities of the Committee.

10. From 28 to 30 June 2010, the eleventh inter-committee meeting of the human rights treaty bodies was held in Geneva. Two representatives of each treaty body were invited. The inter-committee meeting had on its agenda the following issue: preparation and analysis as a basis for lists of issues, including lists of issues prior to reporting (targeted/focused reports), taking into account the application of the common core document and the treaty-specific reporting guidelines. The full report of the meeting and the report of the chairs of human rights treaty bodies on their twenty-second meeting are available in document A/65/190.

11. The significant growth of the treaty body system has prompted the High Commissioner for Human Rights to request all stakeholders to re-think the future of treaty bodies with innovative and creative ideas. On 14 September 2009, the High Commissioner in her statement to the Human Rights Council, inter alia, underscored the importance of the treaty bodies, both through their reporting and individual complaints mechanisms, as well as through the universal periodic review process. She highlighted that the overall success of the human rights protection system, marked by the increase in the number of human rights instruments and corresponding monitoring bodies, together with greater compliance by States parties with reporting obligations, posed greater demands on the treaty bodies and her Office. She stated that, while that success was most welcome and encouraging, States parties should accede to human rights treaties and other stakeholders to initiate a process of reflection on how to streamline and strengthen the treaty body system to achieve better coordination among these mechanisms and in their interaction with special procedures and the universal periodic review. The High Commissioner made a similar appeal before the General Assembly on 21 October 2009.

12. A number of consultations organized by stakeholders as a direct response to the High Commissioner's call have taken place and resulted in the adoption of statements which include various proposals to strengthen and streamline the treaty body system. These meetings were organized in Dublin in November 2009, for treaty body members, at the initiative of the University of Nottingham, United Kingdom of Great Britain and Northern Ireland; in Marrakesh in June 2010, for national human rights institutions, at the initiative of the Advisory Council on Human Rights of Morocco, and in Poznan, Poland, in September 2010, for treaty bodies chairs, hosted by the University of Poznan and attended by five chairs. Furthermore, one year after the Dublin Statement, 21 non-governmental organizations have made a written submission to the High Commissioner, in November 2010, including several proposals to strengthen the treaty body system. States parties will be invited by the High Commissioner and the chairpersons of the treaty bodies to a technical expert consultation in the spring of 2011.

13. A number of other consultations organized by stakeholders, such as United Nations entities and civil society actors, are also planned. In addition, OHCHR is organizing a series of one-day consultations for treaty body members near Geneva during their respective sessions. These consultations aim at providing committee experts with space for creative thinking to strengthen and streamline their methods of work and reflect on the future of the treaty body system. They also allow committee members to discuss in advance the agenda items of the inter-committee meeting. When possible the consultations will bring together two committees which sessions overlap. Further to requests for additional meeting time in 2010,¹ the General Assembly requested in a number of resolutions that the Secretary-General presents concrete and tailored proposals on the human rights treaty bodies, to improve their effectiveness and to identify efficiencies in their working methods and

¹ For further information, see the note by the Secretary-General on evaluation of the use of additional meeting time by the human rights treaty bodies (A/65/317).

resource requirements in order better to manage their workloads, bearing in mind budgetary constraints and taking account of the varying burdens on each treaty body.

14. The High Commissioner looks forward to the culmination of this process of reflection. It is her intention to compile the outcomes of these reflections and present them to treaty body experts, States parties and all other stakeholders at an appropriate time in 2011.
