

FACTSHEET: UN HUMAN RIGHTS TREATY BODIES – AND THEIR RELEVANCE FOR SDC

2016



Schweizerische Eidgenossenschaft
Confédération suisse
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Swiss Agency for Development
and Cooperation SDC



Delegates during a meeting of the 56th session of the Committee on the Elimination of Discrimination Against Women (CEDAW) in Geneva, Switzerland.

Founding Treaty	Related treaty body
ICERD International Convention on the Elimination of All Forms of Racial Discrimination	Committee on the Elimination of Racial Discrimination (CERD)
ICCPR International Covenant on Civil and Political Rights	Human Rights Committee (HRC)
ICESCR International Covenant on Economic, Social and Cultural Rights	Committee on Economic, Social and Cultural Rights (CESCR)
CEDAW Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)
CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Committee against Torture (CAT)
OP-CAT Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Subcommittee on Prevention of Torture (SPT)
CRC Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)
ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Committee on the Protection of Migrant Workers (CMW)
CRPD Convention on the Rights of Persons with Disabilities	Committee on the Rights of Persons With Disabilities (CRPD)
CPED International Convention for the Protection of All Persons from Enforced Disappearance	Committee on Enforced Disappearances (CED)

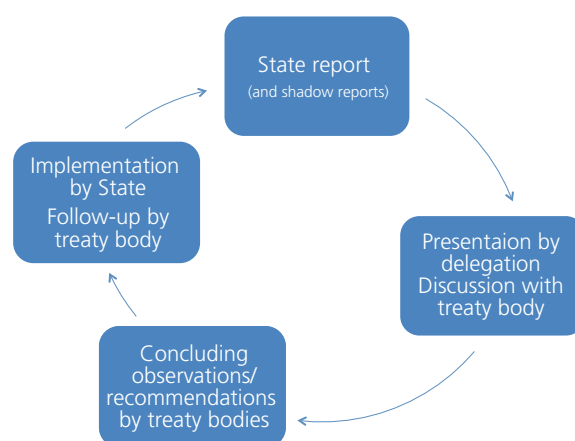
WHAT ARE UN TREATY BODIES?

The United Nations treaty bodies are autonomous and independent bodies that consist of individual experts. Their main task is to oversee the implementation of core UN human rights treaties by countries that have ratified those treaties (so-called State Parties). There are nine core UN human rights treaties plus one optional protocol, which have all established treaty bodies:

State parties nominate independent experts of recognized competences in the field of human rights as candidates, and treaty body members are then elected by the states that are parties to that treaty. Treaty monitoring procedures apply only to states that have ratified the relevant human right treaty. Some States have made reservations to certain articles of human rights treaties, thereby limiting the scope of international obligations (see status of ratification for each treaty and country).

HOW DO TREATY BODIES ENSURE IMPLEMENTATION OF HUMAN RIGHTS TREATIES?

Treaty bodies dispose of a variety of instruments and procedures to monitor and ensure that State parties fulfill their obligations under the human rights treaties:



- **State Reporting:** State parties to international human rights treaties are obliged to submit periodic reports accounting for their implementation of a treaty's provisions. These reports include an analysis of the current human rights situation relating to the issues at stake and the State authorities' measures taken to implement the treaty's provisions. Taking into account the views of other UN bodies as well as information from national human rights institutions and other (non-governmental) sources (so-called "alternative" or "shadow" reports), the competent treaty body examines the State report and then discusses it quite extensively in a public meeting in Geneva or New York with a government delegation from the relevant State and in the spirit of a "constructive dialogue". The examination culminates in so-called "concluding observations", which are a list of recommendations by the Treaty body to State authorities. These outline positive developments as well as areas of concern, and highlight the measures a country should take to implement a given treaty. Some treaty bodies follow up on the implementation of priority recommendations within a fixed time period, while in general recommendations are again taken up in the next reporting cycle.
- **Individual complaints** ("communications"): All core human rights treaties that are listed above have foreseen an optional complaints procedure (although not yet in force for the CMW). If a ratifying State has accepted this competence of the treaty body, individuals and groups may submit communications to the concerned treaty body alleging that the State party has violated its obligations under the treaty. The committees consider the cases and if a violation is found, they issue recommendations on how to remedy the situation. Decisions of the committees are not legally binding but the committees usually follow up on their recommendations. Conditions for lodging complaints as well as an overview of the procedures can be found [here](#).
- **Investigations:** Upon receipt of reliable information on serious or systematic human rights violations, [CAT](#), [CEDAW](#), [CRPD](#), [CED](#), [CESCR](#) and [CRC](#) may, on their own initiative, initiate **inquiries** if the information concerns ratifying states that have accepted the investigation competence of the monitoring body (as an example, CAT's completed [inquiries and related documentation](#) and CEDAW's inquiry reports can be found [here](#)).
- **General Comments:** Based on its monitoring work, each treaty body may publish authoritative interpretations of provisions relevant to the human rights treaty that it monitors. General comments cover a wide range of subjects relating to the substantive provisions of the treaty at stake, or cross-cutting implementation issues such as the

role of national human rights institutions (see for example CRC's [General Comment No. 2](#) (2002)).

- A specific type of monitoring is established in the **OP-CAT for places of detention**. The Sub-Committee for the Prevention of Torture [SPT](#) may undertake visits to State Parties and access any place where persons may be deprived of their liberty. Where "National Preventive Mechanisms" (NPMs) are established according to OP-CAT, they have the same right of access. The SPT also provides advice to State Parties of the OP-CAT which have not yet established NPMs.

The various committees work part time and meet at the UN in Geneva, with OHCHR providing secretariat services. In practice, the committees are confronted with severe limitations in their work, despite some [measures taken](#) by the UN system to improve their ability to fulfill their mandate. Partly due to the increased number of ratifications and resulting workload the committees complain about a lack of meeting time to effectively review the growing number of State parties' reports and individual communications, the resulting backlog, lack of timely translation of documents and the insufficient resources and number of staff supporting their work. In addition, the State reporting process is often hampered by the fact that State reports are often delayed, due to lack of political will and/or limited capacities for analysis and reporting.

WHY ARE THESE PROCEDURES RELEVANT FOR SDC'S WORK?

According to article 54 of the Swiss Constitution, Switzerland's foreign policy (which includes development cooperation) is to promote human rights, democratization, and peaceful co-existence as well as to reduce poverty. The [Dispatch on Switzerland's International Cooperation 2017–2020](#) shows a firm political commitment to promoting human rights, which are viewed as a cornerstone of sustainable development, democratic governance, poverty reduction, and conflict prevention.

Human rights treaties and treaty based mechanisms are important for SDC's objectives and for improving its work in various ways:

Context analysis: State reports to treaty bodies are public documents that present facts and analyses of trends, achievements and challenges from the perspective of authorities. Civil society reports ("shadow" reports) most often complement these views from a different and more critical perspective. Together with concluding observations by expert committees, these reports are a very relevant source of context information on the overall human rights situation and the human rights dimensions of sustaina-

ble development, such as discrimination of vulnerable and marginalized groups, gender discrimination, access to justice, access to health services, food, water, shelter and education, as well as democratic space for political participation and civil society engagement.

Accountability Framework: Human rights treaties provide a framework of rights and obligations that partner countries have voluntarily committed to. State authorities are accountable to their own citizens, the monitoring bodies and the international community to honor their obligations and responsibilities. The reporting cycles allow for an on-going accountability process on human rights issues that are key to a given country, including with regards to its development. The treaty processes also allow for platforms of discussions and dialogue at the national level and provide legitimacy to national voices that demand progress on given human rights issues.

Setting a common agenda: Human rights standards provide a framework for pro-poor development based on non-discrimination and empowerment. The treaty bodies' authoritative interpretations of treaty provisions ("general comments") and country specific recommendations, combined with UPR recommendations and those of Special Procedures help identify the most important human rights issues and identify concrete next steps for State authorities to address. In this way, international donors can find a basis for alignment with State priorities and commitments as well as for harmonization and coordination among themselves.

Empowering civil society, particularly marginalized groups: By framing development challenges in a logic of human rights and corresponding State obligations, human rights treaties provide the basis for empowerment and participation. State authorities are accountable for responding to the interests of all (and not just of powerful elites) and international monitoring procedures provide space for civil society to voice concerns and name problems at international (e.g. submitting shadow reports, participating in public review meetings) as well as national levels.

HOW CAN SDC USE TREATY BODY REPORTING MECHANISMS?

Swiss Cooperation Offices can make use of the international treaties and their monitoring mechanisms in a variety of ways:

MERV, Annual Report, Context Analysis. The MERV (Monitoring of development-relevant changes) includes a series of human rights aspects at political, economic, and social levels. Using the information and analysis from human rights treaty reporting enhances MERV and makes it more relevant and complete. Specific treaty obligations can serve as a

framework for structuring the MERV reporting in a comprehensive way (for example, the obligations of the Covenant on Civil and Political Rights CCPR can serve as a frame for analyzing the political landscape of a country that is relevant for development cooperation). Treaty body monitoring information can also be used for assessing the context relevant for the design and the review of cooperation strategies, for annual reporting, portfolio and program monitoring and evaluation.

Strategic orientation: Respect for human rights may serve as development cooperation goals to which both donors and partner countries have committed. When defining baselines and outcomes for program interventions, the self-assessment contained in State reports and the recommendations from treaty bodies can help SDC to frame adequate results at domain or sector level, as well as at program and project levels.

Supporting authorities in respecting, protecting, and fulfilling human rights: Recommendations by treaty bodies are addressed to "duty bearers" in government, administration, Parliament and the judiciary. SDC can support these duty bearers in meeting their obligations, respond to and implement the recommendations, particularly in sectors and domains where SDC is already active, through policy dialogue, as well as financial and technical assistance. More specifically, SDC may also support national authorities in **fulfilling their reporting obligations** at the international level. This not only serves the purpose of promoting international treaty body monitoring but it can provide the necessary analysis to shape national development policies and priorities.

In **Honduras and the occupied Palestinian Territory** SDC financially supports country presences of the UN Office of the High Commissioner for Human rights. One of the main mandates of OHCHR is to encourage ratification of key human rights treaties, support governments in reporting on their human rights obligations, and in implementing recommendations. OHCHR also works with civil society and national human rights institutions to play an active role in treaty reporting and implementation mechanisms.

The authorities of the Occupied Territory of Palestine ratified several key human rights treaties in 2014. It now requires support to bring its laws, policies, and actions in line with the provisions of these treaties, and support in accounting for their implementation. OHCHR, with the support of SDC, is assisting the authorities in fulfilling their obligations.



*Claudio Grossman,
Chairperson of the
Committee Against
Torture in 2014.*

Supporting civil society organizations, including national NGOs, and National Human Rights Institutions:

The treaty body reporting cycles provide opportunities for civil society to enhance State accountability on human rights. National human rights institutions, civil society organizations, and NGOs can be supported by SDC in their key role to make the reporting cycle meaningful and transparent to the public. Since treaty bodies take into account “alternative” information that complements the State reports, non-governmental organizations can be supported in producing such reports. Civil society actors also play an important role – and can be supported – in sharing assessments, raising awareness on human rights obligations and fostering a public debate around the recommendations issued by treaty bodies. This is crucial for ensuring a follow-up on the implementation of recommendations at the national level. Non-governmental actors can also be supported in preparing strategic litigation cases at national as well as international levels, including before treaty bodies.

As part of its human rights engagement in **Afghanistan**, SDC supports the Government of Afghanistan’s Human Rights Support Unit, placed within the Ministry of Justice. Among other tasks, the Support Unit coordinates the preparation of the state reports to UN treaty bodies. The unit has established a tracking system to ensure systematic follow up on treaty body (and UPR) recommendations. Alongside supporting the Government, SDC has set up a support fund for Afghan NGOs active in promoting human rights. The fund also supports them in assuming an active role in international human rights mechanisms, such as through the preparation of alternative reports, and through advocacy on the implementation of treaty body recommendations.

In **Bangladesh** SDC supports a national NGO (ASK) that has been active in providing inputs to the Human Rights Council, its Special Procedures as well as to the Treaty Bodies. Now serving as the Secretariat of Human Rights Forum Bangladesh ASK was involved and took the lead in building NGO coalitions to prepare alternative reports to CEDAW and ICCPR, in consultations with other civil society organizations.

Using recommendations and reports as a shared basis for cooperation with other donors and international actors:

Reports and recommendations from treaty bodies can contribute to a common understanding of the current situation and develop shared approaches among donors (for example, in the framework of UNDAFs) as well as national NGOs. Particularly, recommendations from treaty bodies can be useful to shape messages for policy dialogue with States with a view to inform national development plans and sector reforms.

CHALLENGES

SDC’s engagement on sensitive human rights issues and with human rights defenders may involve certain political risks for bilateral relations with partner governments. However, Switzerland can count in most cases on its reputation as a politically neutral and committed “honest broker” for human rights. To mitigate these risks, SCOs are advised to analyze carefully the potential political interests involved, adopt a conflict sensitive approach, build alliances with other donors, focus on NGO partners that are committed to peaceful and constructive approaches, invest in building bridges, and promote and facilitate national dialogue on key human rights issues.

USEFUL LINKS

- › [The United Nations Human Rights Treaty System](#)
- › [UN information on treaty bodies](#)
- › [NGO Guide on treaty body monitoring procedures](#)

Concluding observations, recommendations and other information generated by the treaty bodies can be found at the [Treaty Bodies Database](#) (OHCHR) and [Universal Human Rights Index](#).
[Calendar of country reviews by treaty bodies](#)
[Information on complaint procedures](#)

Information on enhancing the human rights treaty body system (OHCHR)

A list of regional treaties most relevant to economic, social and cultural rights can be found [here](#).

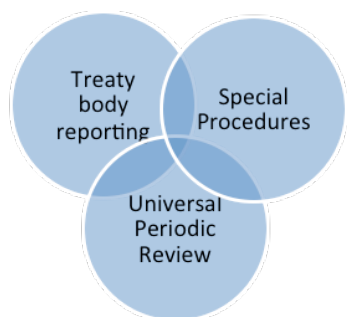
NGOs that might be able to provide further advice and support:

- › The Global Initiative for Economic, Social and Cultural Rights [CESCR](#)
- › Center for Civil and Political Rights [HRC](#)
- › World Organisation Against Torture [CAT](#)
- › Child Rights Connect [CRC](#)
- › International Women’s Rights Action Watch [CEDAW](#), [CESCR](#), [UPR](#)
- › International Disability Alliance [CRPD](#)

ANNEX 1:

The system of UN human rights monitoring

Human rights are rights inherent to all human beings without any distinction between nationality, sex, national or ethnic origin, race, religion, language, or other status. Civil, political, economic, social and cultural rights are all interrelated, interdependent and indivisible – equally relevant to human dignity. The UN Charter makes respect for human rights one of the main objectives of international cooperation. International law such as international treaties (or: “conventions”) and customary international law have set human rights standards. According to these standards States have obligations to act in certain ways or to refrain from certain acts, in order to respect, protect and fulfil human rights and fundamental freedoms of all men and women under their jurisdiction.



Human rights monitoring evaluates human rights situations and looks at measures that have been taken to realize given standards. It consists of collecting and analyzing information from different sources and setting up recommendations to improve. Within the UN there are three main types of monitoring procedures: This factsheet relates to “treaty body monitoring” by various expert committees under each of the UN human rights treaties, while “Special Procedures” and the Universal Periodic Review (UPR) (see specific factsheets) are under the responsibility of the UN Human Rights Council. These three mechanisms are not completely self-contained, each has its specificities and limitations and they rather complement each other, by exchanging gathered information, findings and referring back to recommendations or general comments within the respective mechanism. The recommendations of each of the three mechanisms have to be considered by the State as they, together, reflect the human rights challenges in the country.

Other international actors are involved in monitoring, too. The UN General Assembly has an important standard setting role by adopting the human rights conventions’ texts, and it addresses human rights issues and situations in many resolutions. Its third Committee especially examines the human rights situations in several countries and adopts resolutions on many human rights issues. The Security Council is dealing with situations that are considered to be a threat to international peace and security, When serious human rights violations are identified as such a threat, the Security Council gets directly involved in human rights issues. For example, the Security Council established an unprecedented monitoring and reporting mechanism (MRM) on grave violations against children in armed conflict under its [SC Resolution 1612 \(2005\)](#), see also the SC’s activities on women and peace and security under its [SC Resolution 1325 \(2000\)](#) and following resolutions. Specialized UN organizations (UNICEF, UNHCR, UNWOMEN, FAO, UNESCO, WHO, UNWRA and others) are working on specific human rights issues relating to their mandate. At regional level, several inter-governmental organizations have established human rights monitoring procedures, such as the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE), the Organisation of American States (OAS), and the Organization of African Unity (OAU).

Treaty body monitoring also exists at **regional level in Europe**, America and Africa where regional human rights treaties also established monitoring committees to oversee the situation with different instruments. A diagram of the functions and jurisdiction of the various regional bodies as well as the treaty bodies can be found [here](#). An overview of the mechanisms available at the regional as well as the international level can be found [here](#).

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