

## Opinion: Challenges for treaty bodies - sustainability and fulfilment of their mandate

30.08.2013

(Geneva, 30 August 2013) - The UN treaty body system is being starved of resources. Increased investment in the system could yield valuable gains in the realisation of human rights at the national and international levels.



(Geneva, 30 August 2013) - The UN treaty body system is being starved of resources. Increased investment in the system could yield valuable gains in the realisation of human rights at the national and international levels.

The UN system of human rights, comprising the treaty bodies, the Human Rights Council (along with its mechanisms of the Universal Periodic Review and the Special Procedures), and the Office of the High Commissioner for Human Rights (OHCHR) itself, is faced with challenges, including relationships with UN agencies and financial institutions active in development issues, the violation by many State parties of their reporting obligations, and lack of resources.

The first challenge is the threat of collapse of the system of the treaty bodies put in place by the Member States, due to insufficient funding of their work. Indeed, the success story expressed in the almost universal ratification of some of the instruments (such as the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women) and the development of new instruments, has not been matched by a corresponding increase in the resources needed by the treaty bodies to discharge their mandate in a timely and efficient fashion. The goodwill, dedication and commitment of OHCHR personnel and of the members of the treaty bodies, and the development of appropriate working methods, cannot compensate for the dire situation in which they are operating.

At present, the fulfilment of all the duties of treaty bodies is affected by the lack of human and financial resources. Indeed, the reporting procedure is directly impacted. New reports submitted by a State party to the Committee on the Elimination of Discrimination Against Women (the Committee) in 2013 will be examined in 3 or 4 years at the earliest, which is inefficient for the State party itself, civil society, and the Committee. The lack of a regular, systematic dialogue prevents the benefits of the full potential of the reporting procedure being realised.

Other functions of the Committee are also weakened. Not all individual communications can be treated as rapidly as the Committee wishes. The same is true of the inquiry procedures. This is extremely regrettable because these two mechanisms enable the Committee to contribute to the development of the jurisprudence on human rights in a gender perspective. The comments by legal scholars, activists and NGOs on some of its recent views are proof of the role the Committee plays - and could reinforce - were it to receive additional resources. The development of General Recommendations (or Comments) is also affected, which means less guidance in the interpretation of the Convention. The situation is the same for other Committees, *mutatis mutandis*.

The treaty body strengthening process launched by the High Commissioner for Human Rights Navi Pillay addresses this challenge, and I'm thankful to her for her courage and vision, and for the proposals she has made to reach to a long-term solution enabling all treaty bodies to fulfil their mandate fully and contribute more systematically to the implementation of human rights by State parties, and to ensure that State parties respect the periodicity of reporting. However, I regret that the discussion conducted by Member States is incomplete. It does not include a cost estimate of the functioning of the whole human rights system, including the Human Rights Council, nor an evaluation of the resources going into human rights as compared with development issues. It does not examine the role of UN agencies and financial institutions in the implementation of human rights.

The second challenge is therefore to 'deliver as one' in the field of human rights, which should in my view be a main focus of improvement in the work of the UN agencies and financial institutions. The activities of these bodies should be linked to those of the treaty bodies in particular, since they are the organs dealing with the legal obligations of State parties. As a member of the Committee on the Elimination of Discrimination Against Women, I see too few links between development and human rights issues, especially regarding gender equality. For instance, the Concluding Observations of the Committee are not systematically considered -when they are known - by some UN agencies at headquarters and in the field, which means that the gender and the human rights perspectives may be lacking or insufficient in their work, and therefore find no place in poverty reduction strategies, and in the policies and programmes in rural and agricultural development, health and education, social protection, etc.

The limitation of resources directly threatens the work of the Committees, reducing the efficiency of the instruments agreed upon. Yet, without a systematic review process and timely treatment of communications and inquiries, the potential of the human rights instruments is drastically reduced. This potential is also neglected when UN agencies do not work with the Concluding Observations and the Views of the treaty bodies on individual communications and inquiries. If Member States refuse to increase the resources for the treaty bodies, and do not monitor the efficiency of the human rights system as a whole, the protection of human rights will remain stunted.

*Patricia Schulz is an expert member of the UN's Committee on the Elimination of Discrimination Against Women*