

Michele Bachelet
UN High Commissioner for Human
Rights
Palais des Nations
CH-1211 Genève 10, Suisse

30 October 2018

Re. OHCHR Support to the UN Treaty Body Complaints System

Dear Madam High Commissioner,

Their names are Jeehan, Ahmed, Tamerlan, Khamit, or Rizvan. They all have one thing in common: they are the victims of human rights violations. Yet, they are being denied justice while waiting for their cases to be considered by the treaty bodies.

Two years in the case of Jeehan and Ahmed, with no confirmation that the case has been registered.

More than three in the cases of Tamerlan, Khamit, Rizvan after their case was registered.

These are only some examples among many. While years can pass before a complaint is considered by the Human Rights Committee or the Committee against Torture, victims continue to suffer.

600 new communications were received by treaty bodies in 2016-2017.¹ The total number of communications pending review as of 31 December 2017 was 977, with the Human Rights Committee accumulating by far the largest number of communications pending review (693) followed by the Committee against torture (168).² The other Treaty Bodies had less than 100 cases pending review.

Close to 1000 victims of potentially serious human rights violations were therefore waiting for their cases to be heard by the Treaty Bodies at the end of December 2017. The UN Secretary General himself acknowledged “the increasing time lag for Treaty Bodies with communication procedures between the registration of and a final decision on a case”.³ Indeed in the current context, more than four years would be necessary to deal with the current backlog of 977 communications pending review, excluding new communications received during the same time period.⁴ We are fully aware of the limits of the OHCHR Petitions Section. We understand the section receives on average 150 complaints per week, relating to allegations of human rights violations including urgent actions from families, relatives and representatives of victims of enforced disappearances. Not all submissions result in the registration of a case, but each needs guidance and information.

The demands on the staff are unrealistic: they must ensure the management of registered cases, the drafting of decisions that will be adopted by the different Committees, the registration of Urgent Action requests and the follow-up to the registered urgent actions (more than 540 currently). The same team is also requested to attend all the sessions of the eight Committees that have individual complaint procedures, communicate publicly on the jurisprudence of the Treaty Bodies, and train lawyers and colleagues on the procedures.

We understand that the stress induced on the Petitions Section is taking a heavy toll on staff morale.

¹ Report of the UN Secretary General on treaty body strengthening, 6 August 2018, Annex VI (A/73/309)

² Op. Cit., Annex VII

³ Op. cit. §10

⁴ Considering that in 2017, Treaty Bodies adopted a record 222 decisions on communications; op. cit., Annex VIII

Against this background, we respectfully recommend that you:

- Prioritize your attention and support to the Petitions Section, including through suitable levels of staffing and resourcing;
- Ensure that decisions of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and other UN or OHCHR budgetary committees regarding staff allocations to the Petitions Section are thoroughly implemented, and that new permanent staff be allocated to the section rather than temporary staff;
- Make optimal use of information technology and internal management instruments that can help to standardize, streamline, and facilitate the registration and processing of communications;
- Aim for individual communications to treaty bodies to be dealt within a maximum lapse of two years;
- Consider how to make the most of the ongoing treaty body strengthening process and the upcoming review of GA Res 68/268 in order to enable treaty bodies, and the petitions unit to respond to the legitimate aspirations of victims for justice in a timely manner;
- Make sure that all cases pending review by the treaty bodies are publicly listed online, and that such lists are regularly updated.

Yours sincerely,

ISHR

TRIAL International

ACAT France

Alkarama Foundation

Anti-Discrimination Centre Memorial

Asian Forum for Human Rights and Development (FORUM-ASIA)

Center for Justice and International Law (CEJIL)

Centre for Civil and Political Rights

Centro de Estudios Legales y Sociales (CELS)

Centro Mexicano de Derecho Ambiental (CEMDA)

Centro ProDH

Child Rights Connect

Child Rights International Network

COC Nederland

Child Rights International Network (CRIN)

Earth Justice

European Roma Rights Centre

FIDH (International Federation for Human Rights)

Forum for Human Rights (FORUM)

Geneva for Human Rights - Global Training (GHR)

Human Rights and Gender Justice Clinic, CUNY Law School

Human Rights Defenders Network-Sierra Leone

Human Rights House Foundation

Human Rights Law Centre

Idheas, litigio estratégico en derechos humanos. A.C.

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

International Federation of Settlements and Neighborhood Centers

International Movement Against All Forms of Discrimination and Racism (IMADR)

IWRAW Asia Pacific

Jeehan Mahmood – former Commissioner, Human Rights Commission of the Maldives

MADRE

Mapuche Human Rights Commission – MHRC

Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH)

Miguel Agustín Pro Juárez Human Rights Center (Mexico)

Plataforma Internacional contra la Impunidad

Quill Foundation

Redress

RFSL, the Swedish Federation for LGBTQ Rights

Universal Rights Group (URG)

Urgent Action Fund for Women's Human Rights (UAF)

Validity Foundation - Mental Disability Advocacy Centre

Women's Link Worldwide

Women's rights and health Project

World Organisation Against Torture (OMCT)

Cc: Ms Kate Gilmore, Deputy High Commissioner for Human Rights

M. Laurent Sauveur, Head of External Relations, OHCHR