

UNITED NATIONS



NATIONS UNIES

NEW YORK


OFFICE OF THE PRESIDENT OF THE GENERAL ASSEMBLY

1 May 2013

Excellency,

I have the pleasure to enclose herewith a letter by H.E. Ms. Greta Gunnarsdottir, Permanent Representative of Iceland and H.E. Mr. Desra Percaya, Permanent Representative of Indonesia, the Co-Facilitators of the Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, announcing meetings on 6 and 7 May 2013 and attaching a discussion note on the issues on the agenda.

Please accept, Excellency, the assurances of my highest consideration.


Dejan Šahović
Officer-in-Charge
Senior Special Advisor
OPGA

To All Permanent Representatives
and Permanent Observers to the United Nations
New York



**PERMANENT MISSION
OF THE REPUBLIC OF INDONESIA
TO THE UN**



**PERMANENT MISSION
OF ICELAND TO THE UN**

New York, 30 April 2013

Excellencies,

The co-facilitators of the “Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system” will hold informal-informal meetings, 6 to 7 May 2013, as laid out in our letter dated 5 February 2013. Attached is an agenda that takes into consideration the request of Member States for short and concise meetings.

As per previous practice, please find attached a discussion note on the issues on the agenda to assist Member States in their preparations. Also attached is an updated version of the Comprehensive Cost Paper previously provided and a short paper prepared by the Office of the High Commissioner for Human Rights that provides answers to questions raised at our consultations in April 2013 with regard to the proposal of a “master calendar”.

For further information please contact the Mission of Iceland (Mr. Vardi, email: th@mfa.is) or the Mission of Indonesia (Mr. Arief, email: arief.adnan@indonesiamission-ny.org).

We are looking forward to continue engaging with delegations on this important subject.

Please accept, Excellencies, the assurances of our highest consideration.

Desra Percaya
Co-facilitator
Permanent Representative of Indonesia
to the United Nations

Greta Gunnarsdottir
Co-facilitator
Permanent Representative of Iceland
to the United Nations

To all Permanent Representatives
and Permanent Observers of the United Nations
New York

Intergovernmental process on strengthening the Human Rights Treaty Body System
Informal-informal meetings
6-7 May 2013

DAY ONE
Monday, 6 May 2013

Informal-informals

10:00-13:00

Venue: CR-3
(Conference building)

Informal-informals
On the Master Calendar

13:00 – 15:00

LUNCH BREAK

15:00-18:00

Venue: CR-3
(Conference building)

Informal-informals
On resources required to service the system and the issue of enhancing the capacity of the Subcommittee on Prevention of Torture

DAY TWO
Tuesday, 7 May 2013

Informal-informals

15:00-18:00

Venue: CR-3
(Conference building)

Informal-informals
On the guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions

Informal-informals

To discuss the Master Calendar, resources, enhancing the capacity of the Subcommittee on Prevention of Torture and guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions.

1. Master Calendar

The proposal of the Master Calendar aims at comprehensively addressing multiple challenges facing the reporting process established under the treaties. It also aims at providing certainty and increased efficiency for States Parties for scheduling the review of their reports and reduce the need for the treaty bodies to continually request additional meeting time. Section 4.1 of the report of the High Commissioner elaborates this proposal. In addition the Questions & Answers paper on the Master Calendar provided by the High Commissioner clarifies a number of questions posed by delegations.

Overview of resource implications

The estimated additional resources required for the Master Calendar would represent an increase of approximately \$52 million above the existing budget allocations based on a 5 year periodicity of reporting. Overview of the impact of cost saving measures on that estimate can be found in Annex 3 of the Questions & Answers paper on the Master Calendar provided by the High Commissioner.

Q. Can the Master Calendar be considered as an overall solution to the current situation of the Treaty body system? If not, what elements of it (for example periodicity, predictability, compliance and other factors) could be used as a part of an overall solution?

2. Resources

OHCHR, in particular through its Human Rights Treaties Division, is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management of the United Nations Office in Geneva provides conference services to the treaty bodies, as well as to other clients. The UN Information Services in Geneva issues Press Releases & Meeting Summaries of all public meetings of the treaty bodies. The cost of the treaty body system is distributed through OHCHR and UNOG, the former handling staff costs and travel/DSA and the latter dealing with costs related to conference services.

Support provided by OHCHR to the treaty bodies is currently drawn from two sources: the United Nations regular budget (\$29.7 million in 2010-2011) and voluntary contributions (\$9.6 million in 2010-2011). Thus, in 2010-2011, the regular budget provided 76 % of the total \$39.3 million in resources. From the regular budget allocation, some \$12.1 million was used to fund the travel of members to treaty body sessions and \$17.6 million went to OHCHR, mainly for the staff to support the work of the treaty bodies. In addition, \$9.6 million was made available from voluntary contributions, to increase the level of support provided to the treaty bodies. Conference services cost over the 2010-2011 biennium amounted to an estimated \$72 million. Further information on the resources required for the system is to be found in the cost paper prepared by the Office of the High Commissioner and the Division for Conference Management in Geneva.

Q. What are the views of Member States on the current status of resources available to the treaty body system and how such resources could be made more sustainable?

3. Enhancing the capacity of the Subcommittee on Prevention of Torture

The core of the work of the Subcommittee on Prevention of Torture (SPT) is to carry out visits to places of deprivation of liberty in accordance with article 1 of the optional protocol. The Subcommittee's core mandate also includes the provision of assistance and advice to the national preventive mechanisms (NPMs) to be established or designated by each State party one year after the entry into force of the Optional Protocol or its ratification or accession.

Despite the rapid increase in the number of ratifications and accessions to the Optional Protocol (63 States parties), its increased membership since January 2011 and related workload, the SPT has only been able to undertake three regular field visits in 2011 and three regular visits and three advisory visits on NPMs in 2012. At such a low pace of visits by the SPT, the consequence is that the current number of regular preventive visits would take place to each State party only every 21 years.

Overview of resource implications

At the moment, the SPT mandate is serviced by a core secretariat consisting of one P-4, two P-3s and two GS. Based on the experience gained since the establishment of the expanded SPT, two additional staff (one P-3 and one P-2) would be necessary to allow the committee to carry out its mandate, at a cost of \$361,000 per year.

Q. Should the capacity of the Subcommittee on Prevention of Torture be strengthened and then how?

4. Guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions

A number of treaty bodies have developed tools to guarantee the independence and impartiality of their members. Whereas most treaty bodies have provisions to this end in their respective rules of procedure, the Human Rights Committee adopted a separate set of guidelines. Achieving such a standard of independence and impartiality is a precondition for attaining the ultimate objective of the treaty body system, namely to provide the most objective and respected assessment and guidance to States parties in fulfilling their human rights treaty obligations.

The treaty body Chairpersons prepared and adopted guidelines on the independence and impartiality of treaty body members at their meeting in Addis Ababa in June 2012. The guidelines promote a consistent understanding and approach for all treaty bodies on the issue of membership, including on potential cases of conflict of interest affecting the engagement of experts in the exercise of their functions.

Q. What are the views of Member States on how best to promote the independence and impartiality of members of the human rights treaty bodies?

Additional questions on the Comprehensive Reporting Calendar (12 April 2013)

1. **How can a State be considered in absentia?** (AG, CRG, CARICOM, Cuba)

Please refer to question 7 in the Q & A on the comprehensive reporting calendar (CRC) of November 2012.

2. **How is the CRC compatible with reporting periodicity?** (AG, Switzerland, CARICOM, LAC, Liechtenstein)

Please refer to question 6 in the Q & A on the CRC. From a legal standpoint, the CRC is conceived as an organizational maximum timeline for the submission of reports with no prejudice to the legal provisions of treaties on periodicity. In addition, State practice, to which many treaty bodies have agreed, that merges two periodic reports into one already exists. Over two decades ago, CERD has even agreed to double the reporting cycle from two to four years, since no State was in a position to respect the periodicity defined in the treaty. For three treaties, the CRC allows for a slightly more generous cycle. States wishing to strictly respect the periodicity defined in the treaty would be welcome to do this.

3. **How will backlog be addressed under the CRC?** (AG)

The CRC will start by absorbing existing backlog. Subsequently, it will examine new reports. No new backlog should be accrued in the CRC model.

4. **How will we handle spare time if States did not submit a report?** (AG, Cuba)

The CRC will not have any spare time, since, like in the UPR, all States will be considered. Such review will still include a delegation of the State party in case capacity gaps or any unforeseen circumstances did not allow for the submission of a written report on time. Only in extreme cases, such as natural catastrophe or armed conflict, the consideration of a State would be deferred.

5. **What would be the advantage of the CRC?** (CRG)

Please refer to question 4 in the Q & A and pages 40-41 of the High Commissioner's report on treaty body strengthening.

6. **What would be the implication of the CRC on the UPR?** (CRG)

Please refer to question 5 in the Q & A.

7. **What would be the impact of new ratifications?** (CRG)

Please refer to question 16 in the Q & A.

8. **How to deal with difference in ratifications?** (EU)

Only two treaties (CMW, CED) have received less than 100 ratifications. Therefore, they will simply consider fewer reports per year and have shorter sessions.

9. **What if a State is not in a position to submit its report?** (Switzerland)

States Parties which have never submitted their initial report or who have too many overdue reports may express the need for technical assistance well in advance from OHCHR or other UN entities, with a view to submitting their reports. Should the State Party, in spite of technical assistance received, still not be in a position to submit a report, it will be reviewed as per question 4 above.

10. **Can a 7 year cycle be implemented without re-opening the treaties?** (EU)

The comprehensive reporting calendar can be adapted to a longer cycle. However, a 5 years cycle, as an organizational maximum reporting time frame with no prejudice to relevant treaty provisions, is the nearest to the average length of reporting cycles contained in these treaty provisions.

11. **Would treaty body members be able to handle increased workload?** (EU)

Some treaty bodies should consider working in parallel chambers in order to handle the workload. In addition, support staff should be increased to service the meetings under the CRC.

12. **Will it lead to confrontation instead of collaboration?** (CARICOM)

The CRC will maintain the same principles as the current system, based on constructive dialogue between States Parties and the treaty bodies.

13. **What will happen with States which have never submitted report – will they be cumulative?** (LAC LMG)

Indeed, States will be able to catch up on their due reports by submitting a consolidated report.

14. **How will we address the need for additional resources (staff, rooms)?** (Cuba)

Additional staff for the CRC is part of the proposal. For more information, please see page 43 of the High Commissioner's report on treaty body strengthening

15. **How is the CRC related to languages, webcasting, simplified reporting procedure?** (Cuba)

The CRC will relate to languages in the same manner treaty bodies currently do. The simplified reporting procedure would assist in making reporting lighter and more actionable for States Parties. The CRC is based on the premise of regular reporting and therefore the simplified reporting procedure is well aligned with the model. Webcasting would allow treaty bodies to benefit from the same service and visibility as the Human Rights Council and the General Assembly.

Comprehensive cost review of the human rights treaty body system

Geneva, March 2013

BACKGROUND NOTE

Comprehensive cost review of the human rights treaty body system

1. Introduction

On 11 September 2012, the co-facilitators (Ambassador Greta Gunnarsdottir, Iceland, and Ambassador Desra Pecaya, Indonesia) of the Intergovernmental Process of the General Assembly on “strengthening and enhancing the effective functioning of the human rights treaty body system” (66/254) presented a Progress Report to the President of the General Assembly.

In Section VII, under “Recommendations”, the co-facilitators recommended that “a comprehensive cost review of the treaty body system be provided in a background note to the renewed intergovernmental process by the end of 2012. The background note could contain detailed information on a number of costing issues, including the cost of the current system, including for conference services and documentation, as well as the additional resources required to clear the current backlog, the assessed allocation needed to fully service the current system and the unit cost of each element of the treaty body system.”

In response to this request the relevant substantive and conference services secretariats (OHCHR and both the Department of Conference Management - DCM and UN Information Services – UNIS at UNOG) analysed the actual costs of the system in 2012. In addition, the relevant departments also compiled information on the additional resources required to clear the current backlog and the assessed allocation needed to fully service the current system.

This background note should be read in conjunction with the report by the United Nations High Commissioner for Human Rights on “Strengthening the United Nations human rights treaty body system”, issued in June 2012 (referred to hereinafter as the HC report). The consultation process leading to this report was motivated by the doubling of the size of the treaty body system in less than a decade without commensurate resources which generated paralyzing backlogs of States parties’ reports and individual communications. In the HC report, the key proposals compiled in the report include establishing a comprehensive reporting calendar ensuring strict reporting compliance with human rights treaties and equal treatment of all States parties. Also as proposed in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), the system could be brought up to date through eliminating the current backlogs in a single ad hoc exercise, should the Calendar not be adopted. This option, however, would fall short of providing a comprehensive long-term solution and it would remain important that regular comprehensive reviews of the workload of the treaty bodies be undertaken to assess and address the evolving resource requirements of the treaty bodies. Any cost-related review must also take into account these larger proposals, which aim at easing the pressure on the current system, while also promoting more compliance with the treaty body reporting structure and effective use of financial and human resources.

2. Treaty body system in a nutshell

The core international human rights treaties establish legal obligations for States parties to promote and protect human rights at the national level. In short, the ten existing treaty bodies perform a number of functions aimed at reviewing how the treaties are being implemented by their States parties. Each committee which accompanies a treaty is composed of independent experts (between 10 and 25 per committee) of recognised competence in human rights, who are nominated and elected by States parties.

All treaty bodies, with the exception of the Subcommittee on Prevention of Torture (SPT), are mandated to receive and consider reports submitted periodically by States parties detailing how they are applying the treaty provisions domestically. All but one (SPT) of the treaty bodies may, in principle, receive and consider complaints or communications from individuals alleging that their rights have been violated by a State party, provided that the latter has accepted this procedure. Six of those (two not yet in force) have the competence to conduct country inquiries and/or visits, including the SPT.

3. Overview of current costs of the treaty body system

OHCHR, in particular through its Human Rights Treaties Division (HRTD), is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management (DCM) of the United Nations Office at Geneva (UNOG) provides conference services to the treaty bodies, as well as to other clients. The UN Information Services in Geneva (UNIS at UNOG) issues Press Releases & Meeting Summaries of all public meeting of the treaty bodies. The costs of the treaty body system are distributed through OHCHR and UNOG, the former handling staff costs and travel/DSA for the meetings and the latter dealing with costs related to conference services.

For a full picture of the costs related to the treaty body system as such, all these various elements need to be taken into account. It must also be pointed out that if the proposals for a comprehensive reporting calendar and/or a biennial review and a two or five-year clearance of the in-hand backlog were to be seriously considered and implemented, a review would also have to be conducted of the corresponding increase in conference rooms required and increased staffing both for OHCHR and DCM and related office space. These capacity-related issues would have to accompany any major proposals being considered. Also to be considered are increased ratifications under international human rights treaties, which individually do not trigger consideration of any additional resources, despite increasing the workload of the treaty body.

For a breakdown of the current costs, using 2012 as a baseline, the key resource categories are as follows:

- a. Conference services**
- b. Travel of Treaty Bodies' experts and Daily Subsistence Allowance (DSA)**
- c. Treaty Body Staff support**
- d. United Nations Information Service**

The total cost of the current treaty body system in 2012 amounts to USD ~~49.1648.36~~ million. The breakdown is in Table 1.

TABLE 1

TOTAL COST OF CURRENT TB SYSTEM- 2012	
RESOURCES	2012 COST
CONFERENCE SERVICES (UNOG - Meetings and Documentation)	\$29.72 million
TRAVEL & DSA	\$6.34 million
STAFF SUPPORT (OHCHR)	\$12.92 million
STAFF SUPPORT (UNIS)	\$ 0,18 million
TOTAL	\$48.36 million

a. Conference services

Conference services consist of (1) Meetings support and (2) Documentation. Meetings support consists of interpretation, summary record drafting, meeting room attendants, sound technicians and captioning. Documentation consists of editing, translation (terminology and referencing), formatting, printing, distribution and braille.

Conference services face a growing workload as regards meetings and documentation, with treaty bodies one of the principal users and consuming the largest share of documentation capacity.

TABLE 2

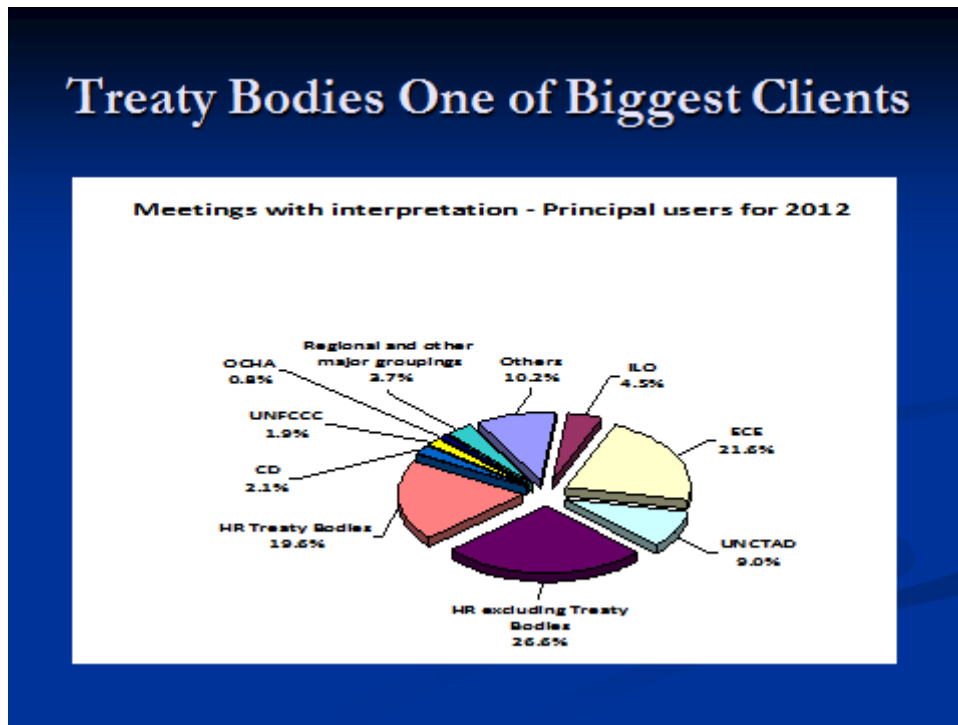
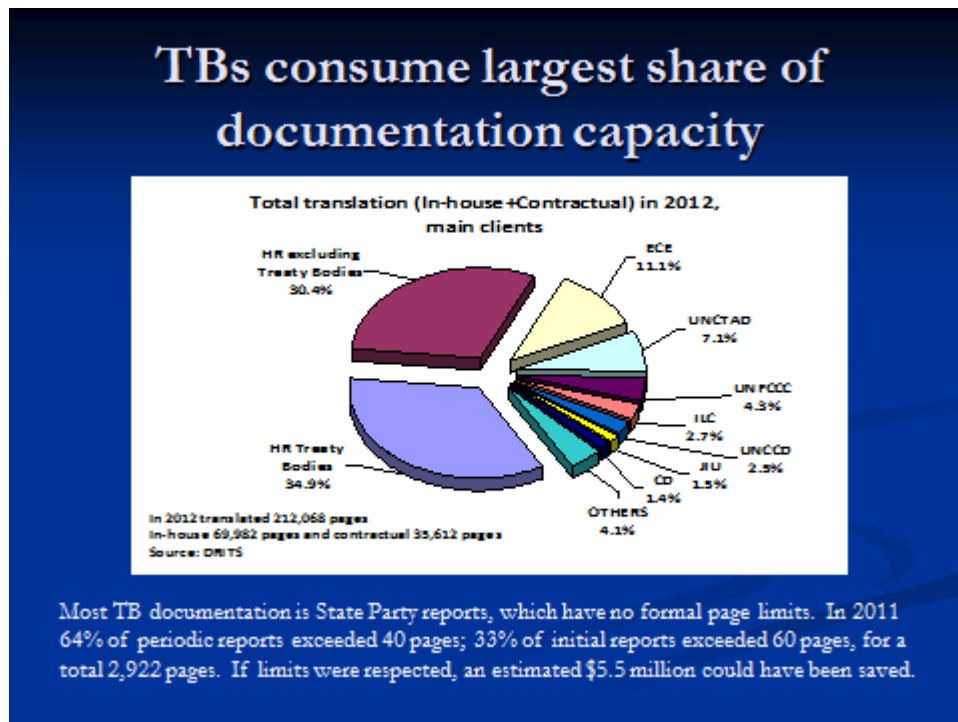


TABLE 3



In terms of notional costs, please see Table 4, which provides a breakdown of how much it costs for three hours of meeting time with interpretation in six languages and support services, cost of translation and text processing per page (330 words) in six languages, cost per printed page impression for reproduction and cost per document for distribution.

TABLE 4

Notional costs

	Notional Cost in USD		% change
	2013	2012	
Rate of Exchange \$/CHF	0.911	0.945	-4%
Three hours of meeting time with interpretation in six languages and support services	\$12,917.00	\$14,197.00	-9%
Cost of Translation and Text Processing per page (330 words) in six languages	\$1,268.00	\$1,228.00	3%
Cost per printed page impression for reproduction	\$0.028	\$0.04	-35%
Cost per document for distribution	\$0.284	\$0.284	0%

Based on workload standards for interpreters, translators, text processors. Presumes 45% self-revision of translation.

In 2012, given the treaty body workload, the cost for meetings (74 weeks) and documentation of the 10 treaty bodies, including processing of common core documents used by the entire treaty body system but not including one week of documentation and the annual meeting of treaty body chairpersons, amounts to USD 29.7228.92 million.

This is calculated using the standard costing model, based on the workload standards for translators, text-processors, and interpreters, and rate of exchange of 0.936 (average for 2012). For a breakdown of the 2012 cost total see below:

TABLE 5

Breakdown of 2012 Total

- Meetings - \$6.22 million
 - 96% of cost is for interpretation
- Documentation - \$19.27 million
 - 87% of cost is for translation/text-processing
 - 13% for printing/distribution
- Summary Records - \$4.24 million
 - 89% of cost is for translation/text-processing
 - 11% for printing/distribution

The growth of the treaty body system has had serious repercussions on the volume of documentation, which has almost tripled over the last decade. As can be seen from the 2012 figures, it represents the greatest expense of the conference services supporting the functioning of treaty bodies and, as will be seen later, dwarfs all other costs. The bulk of the treaty body documentation consists of the reports submitted by States Parties. Other documents are those issued by treaty bodies which comply with the strict page limitations by the General Assembly.

In 2011, 64% of periodic reports exceeded 40 pages; 33% of initial reports exceeded 60 pages. The pages went over the limit by 2,922 pages. If page limits were respected, an estimated USD 5.5 million could have been saved.¹

For a snapshot of costs per committee in 2012, see Table 6.

TABLE 6²

Actual cost 2012 (Meetings and documentation)

Treaty Body	Actual Cost 2012 (Meetings and Documentation)
CESCR	\$2,141,694
CRC	\$3,233,305
CAT	\$5,094,565
CERD	\$3,384,294
CMW	\$1,063,974
SPT	\$1,057,594
CEDAW	\$3,915,525
CRPD	\$1,713,468
CED	\$654,252
Human Rights Committee	\$6,594,095
Common Core Documents	\$871,378
Total US\$	\$28,916,533

There are striking variations in the figures distributed across the committees, based on the number of sessions, pre-sessional working groups, working groups on communications and significantly different volume of documentation. The committees also have used differently their entitlements in terms of working languages and issuance of summary records (for cost of summary records in 2012, see Table 7).

¹ See p. 54, HC report

² Common Core Documents are used by all treaty bodies and therefore their cost has been separated from the ones relating to specific treaty bodies.

TABLE 7

	2012 cost	No. of meetings
Human Rights Committee	\$660,015	57
CESCR	\$342,791	35
CRC	\$349,738	37
CAT	\$914,459	95
CERD	\$1,021,900	83
CMW	\$209,599	17
CRPD	\$115,489	12
CEDAW	\$120,975	34
SPT	\$324,034	26
CED	\$179,438	12
TOTAL	\$4,238,438	408

b. Travel of Treaty Bodies' experts and Daily Subsistence Allowance (DSA)

The United Nations covers the cost of travel and accommodation of experts to participate in the sessions of the committees. This accounts for a large percentage of the overall costs of the treaty bodies ("Policymaking organs"). The number of experts has increased from 97 experts in 2000 to 172 experts in 2012.

For travel, in accordance with United Nations rules, regulations and practices, the experts' trips will be arranged on the basis of a round-trip air ticket by the class immediately below first class via the most economical air fare via the most direct route.

The DSA for treaty body members is provided at the rate of 140% of the normal DSA rates established by the International Civil Service Commission. The Geneva rate as of 1st January 2013, including the 40% surplus, is 518 CHF per day (approximately USD 569).

In 2012, the total actual travel costs and DSA for treaty body members amounted to **USD 6,335,200**.

TABLE 8

	2012 cost (thousand USD)	Comments
Human Rights Committee	867.5	18 members
CESCR	551.0	18 members
CRC	947.1	18 members
CAT	314.6	10 members
CERD	644.7	18 members
CMW	258.1	14 members
CRPD	571.0	18 members
CEDAW	1,101.6	23 members
SPT	896.2	25 members
CED	183.4	10 members
TOTAL (all RB)	6,335.2	

c. Treaty Body Staff support (Subprogramme 2 and voluntary contributions)

Since 2000, the regular budget allocations under Subprogramme 2 for support of the treaty bodies, now consolidated in the Human Rights Treaties Division and consisting mainly of staff costs, have trebled.³ In addition, an amount drawn from voluntary contributions is made available to increase the level of support provided to treaty bodies. In 2012, these extra-budgetary resources amounted to USD 3.8 million with the total staff support cost (regular budget and voluntary contributions) standing at USD 12.9 million (inclusive of the cost of staff support to the humanitarian trust funds within the Human Rights Treaties Division).

However, as indicated in the High Commissioner's report, an independent workload analysis conducted in 2010 found a 30% gap between the number of Human Rights officers (RB and XB posts) required and the number in place supporting treaty body sessions: treaty bodies have not received full and adequate resources from the outset. Also to be considered in this regard is that increased ratifications under international human rights treaties do not individually trigger consideration of any additional resources, despite increasing the workload of the treaty body.

d. United Nations Information Service

In addition to the figures reflected in the HC report (June 2012), in this note the figures for the United Nations Information Service have also been added for a complete picture.

³ See p. 27, HC report related to the 2010-2011 biennium.

TABLE 9

	2012 cost (thousand USD)	Comments
RB – Office of the Director	413.4	1 P staff, 1 GS staff
RB – Human Rights Treaties Division	8,701.0	40 P staff, 15 GS staff, c. 6 months GTA
Total RB	9,114.4	
XB – Human Rights Treaties Division	3,804.1	18 P staff, 5 GS staff, c. 23 months GTA
Total XB	3,804.1	
Total OHCHR Staff costs (XB + RB)	<u>12,918.5</u>	
United Nations Information Service	177.6	27 weeks and 8 days of two P staff, and 8 weeks GTA
Grand Total	<u>13,096.1</u>	

4. Estimated cost to clear backlogs in the current treaty body system

For the purposes of this paper, we have defined backlogs as follows.

- In-hand backlog - reports submitted but not considered
- Anticipated backlog - reports due but not submitted

For individual communications (petitions) for respective committees:

- Petitions pending consideration

The treaty body system has had serious issues in terms of in-hand backlogs which have mostly been addressed through ad-hoc quick fixes of additional meeting time and in two instances parallel chambers. These yearly requests of a number of treaty bodies to the General Assembly to increase their capacity through the granting of additional meeting time and related varied resources has sometime been granted fully or partly, other times have been not acted upon.

As mentioned in the introduction to this note, the proposal to plan effectively and systematically in advance clearance of backlogs was first suggested in the Secretary-General’s report to the General Assembly (A/66/344). In this report, the SG made reference to a proposal for a regular, comprehensive review of the workload of the treaty bodies, possibly every two years, which is needed in order to provide for any additional resource requirements emanating from new ratifications. But as mentioned in the SG report to the GA and reiterated in the HC report this proposal would fall short of the comprehensive solution for 100% compliance as provided for by the proposal of the comprehensive reporting calendar. However, it would allow for some easing of the current pressures of the system, without resorting to ad hoc requests, till the build-up of another backlog. The Secretary-General’s proposal can also be viewed as a first incremental step for the implementation of the Comprehensive Reporting Calendar.

In terms of sheer periodicity, at current levels of ratification, if every state party would report as per prescribed periodicity, treaty bodies should review an average of 320 state party reports per year.⁴ However, the actual timely reporting compliance rate is at only 16%. Even at this level of non-compliance, the present backlogs are unsustainable.

For insight into the volume of work, see below a table on the number of concluding observations and decisions and views adopted in 2012 and the current in-hand backlogs in terms of state parties' report and individual communications.

As per December 2012, the in-hand backlog of States parties' reports pending consideration is 307, while for individual communications it stands at 488.

TABLE 10

Number of Concluding Observations & Decisions and Views adopted in 2012 and in-hand backlogs

	# COBs 2012	# Decisions and Views 2012	In-hand backlog States Parties reports	Petitions pending consideration
Human Rights Committee	14	80	32	380
CERD	22	1	22	6
CESCR	12	n/a	50	n/a
CRC	36	n/a	107	n/a
CEDAW	20	6	30	15
CRPD	4	3	32	7
CED	1	n/a	4	n/a
CAT	17	25	25	100
CMW	4	n/a	5	n/a
SPT*	n/a	n/a	n/a	n/a
TOTAL	130	115	307	488

* SPT is a visiting mechanism and does not produce concluding observations. However, in 2012, 3 mission reports were issued.

To clear the in-hand backlog, and here the cost includes only conference services (documentation and meetings), calculated using the standard costing model, and within the current parameters of the system, namely, the existing number of sessions and meetings and current implementation rate per committee, the cost would amount to USD 79.61 million.

⁴ See p. 19, HC report

TABLE 11

Treaty body system – cost of in-hand backlog

Treaty Body	Actual Cost 2012 (Conference services only)	In-hand backlog (Conference services only)
CESCR	\$2,141,694	\$10,170,458
CRC	\$3,233,305	\$18,843,941
CAT	\$5,094,565	\$10,105,491
CERD	\$3,384,294	\$3,056,688
CMW	\$1,063,974	\$1,302,588
SPT	\$1,057,594	\$0
CEDAW	\$3,915,525	\$8,382,668
CRPD	\$1,713,488	\$10,261,000
CED	\$654,252	\$900,309
Human Rights Committee	\$6,594,095	\$16,786,758
Total US\$	\$28,916,533	\$79,609,895

To clear the anticipated backlog (i.e., additional documents expected if all states parties complied with treaty reporting requirements), the cost would amount to USD 158.42 million.

However, as mentioned the figures for clearing the in-hand and anticipated backlog only cover the costs of conference services. Travel of experts and staff support can only be properly calculated or estimated based on the policy decisions made on how many years it should take to clear the backlogs. So for example, the actual cost of the CESCR sessions in 2012 is approximately USD 2 million while clearing the in-hand backlog will cost around USD 10 million, so going by the present implementation rate and the current parameters, just clearing the backlog would take the equivalent of 5 years of Committee work based on the current number of sessions and weeks. This is not including the other States parties' reports that will come in on a yearly basis. Therefore if policy decisions are taken which aim for a clearance of 2 or 3 years, special measures will need to be put in place such as using additional meeting time, additional sessions and/or parallel chambers. This will also directly affect the cost of travel and costs of staff and would be prove problematic to implement, given that the Calendar of Conferences at UNOG is quite full, so finding times when meetings room would be available would be difficult.

For this reason, no ballpark figure can be provided for these additional resource elements, unless policy decisions are made in this regard but it is clear that at a minimum the conference services will cost USD 79.6 million to clear the in-hand backlog. Such an exercise will cost more than the estimated annual cost of the five-year calendar, which in the High Commissioner report was estimated to add another USD 52 million to the current system and strives to achieve full compliance and structured scheduling of sessions. But, as specified in the HC report, this would not be implemented over one year but could take two or more years, during which time new reports and communications would continue to be received. Moreover, also if the comprehensive reporting calendar is adopted a solution for the in-hand backlog will need to be established which could for instance be to combine an outstanding report with the first report under the new cycle.

5. Cost reduction measures and treaty body strengthening proposals

Background

Existing resources are inadequate to fulfil the conference servicing mandate for treaty bodies. In addition to the huge influx of resources required to clear the in-hand backlogs in terms of conference services, any policy measure aimed at clearing backlogs in one go will also require corresponding increases in travel costs and staffing costs for the period of the backlog clearance.

This note has elaborated on the current cost of the treaty body system, which in 2012 amounted to USD ~~49.1648.36~~ million. As explained above, to clear the backlog would cost around USD 79 million and this is not including travel and scaled-up staff costs, which can only be calculated when policy decisions are taken on the number of years/sessions/meetings required to clear the backlog.

The proposal in the HC report relating to the comprehensive reporting calendar also has serious resource implications and in the report, if the comprehensive reporting calendar were to be implemented, the current cost is almost doubled as the parameters for the calendar are scaled up from 74 weeks to 124 weeks, with the consideration of 263 state party reports and 160 individual complaints.

“In addition, the current and anticipated high concentration of meetings in Geneva would require additional conference rooms with interpretation facilities capable of handling all six official languages. UNOG and OHCHR would also require office space for additional conference servicing and human rights staff. While this could entail a significant investment in conference facilities and infrastructure in Geneva, it is a situation that will have to be faced in any event in the near future, regardless of the treaty body strengthening process.”⁵

On the other hand, given the existing challenges to the treaty body system, a cost-neutral approach to addressing these challenges is simply not possible. Serious measures are in order if the system is to continue to function at an optimal level and to be truly effective; this will require nothing short of a major transformation. For this reason, Member States’ are rightly also exploring cost reduction measures with a view to reinvest in some of these structural changes in the form of a backlog clearance or a structured scheduling as in the comprehensive reporting calendar proposal. However, it must be stressed that while a cost-neutral approach would not be favourable, also aiming to cut costs without reinvesting in the system would also not be particularly helpful as it would obscure the structural and other challenges the system faces and only slightly delay the inevitable decline of the system.

Objectives of cost reduction measures

Cost reduction measures in the context of treaty body strengthening aim to (1) suggest measures that utilize modern technologies and distribution systems with current trends of greening the UN and (2) in an effort to minimize additional costs that may be incurred in implementing system-wide structural changes, such as one-time clearance of in-hand backlogs and/or the implementation of a comprehensive reporting calendar, the latter being a far more ambitious, comprehensive proposal, which also aims at 100% reporting compliance. The latter proposal also allows for the requirements for conference services, especially documentation, to be a predictable, rational process as the consideration of reports, which would be limited in length, would be systematically ordered over the period of the calendar, allowing for slotting and preparation well in advance of sessions.

⁵ See p. 42, HC report

Examples of cost reduction proposals

While this list is not meant to be exhaustive, this note sets out some of the key proposals that have been raised in the context of treaty body strengthening.

Documentation

a) Strict page limitations

Since the brunt of the costs of the treaty body system falls within the conference services category, particularly documentation, proposals such as adoption of the Simplified Reporting Procedure would reduce the volume of documentation requiring translation and reproduction and thus generate valuable savings. This would entail the acceptance that for each State party scheduled to submit a report in the following year treaty bodies would formulate a list of issues, the replies to which would constitute the report. This would allow for dispensing with the extra replies to lists of issues, which for reasons of entitlements and/or workload are not often translated. Page limitations of States parties' reports and treaty bodies' annual reports and concise updates of Common Core Documents (CCDs), would also significantly reduce costs of document processing. Reductions are so effective in this particular category because of the high notional cost of translation and text processing per page (330 words) in six languages which stands at USD 1,266 (2013), based on workload standards for interpreters, translators and text processors and the rate of exchange of 0.911 CHF/\$.

b) Summary records

At DCM, three précis writers draft the record of a half-day meeting; a reviser spends half a day revising. These records are drafted in English or French. The notional cost for drafting is USD 2, 608 and translation of a 15-page summary record into one language is USD 4, 038. Summary records are used as meeting archives, for future reference by treaty bodies and other stakeholders and for scholarly research. The cost of summary records in 2012 was USD 4.2 million, of which 89% of the cost was for translation and text processing, while 11% was for printing and distribution.

Alternatives to summary records can take various forms such as: (i) Webcasting with/without captioning; (ii) Digital recording. These alternatives are completely different options, with varying advantages and they may not be a direct substitute or replacement for summary records. Also, in webcasting with/without captioning, also meets other objectives such as accessibility, visibility and outreach of the treaty body system, which are of value far beyond its replacement of summary records.

(i) Webcasting with/without captioning

It would be necessary to make initial investments to enable cost reductions to be established in the future, particularly in the infrastructure required to enable videoconferencing and webcasting. This is very much as per the trend in the UN, as has just been included in the 2012-2013 regular budget for the formal meetings of the General Assembly's six Main Committees.⁶ The Human Rights Council has been using webcasting in lieu of summary records since 2008, although the cost of the webcasting has not been addressed within the regular budget.

Such facilities entail an estimated one-off cost of \$700,000 and recurring annual costs of \$900,000 (figures as of 2008). As mentioned earlier, technical difficulties have prevented the updating of the costs of providing webcasts of public meetings. It could well be anticipated that the cost may be considerably higher than \$900,000 as was envisaged in 2008. In the recent approval of webcasting for

⁶ See A/C.5/66/L.18

the six Main Committees of the General Assembly, the approved amount was \$835,500 to cover all related costs for the biennium.⁷ A proper assessment of what it would cost to set up webcasting for treaty bodies would be undertaken upon a decision to pursue this approach whether on a pilot basis or across the treaty body system.

Once webcasting equipment is installed, summary records could be replaced by indexed and searchable recorded webcasts.

If captioning (real-timed typed transcription of the spoken word) were also provided, it would serve as a verbatim record of dialogues with States parties for those who prefer written records. As captioning has not been provided by the United Nations in all six languages to date, estimates of its cost are not readily available, but the experience so far in providing captioning in certain languages have proven it to be a very cost-effective solution.

Alternatively, in addition to captioned webcasting, summary records might be maintained in English only.

(ii) Digital records

Separate from webcasting and captioning, there are also examples of other UN committees that have opted for less expensive unedited transcripts and digital recordings instead of summary records.⁸ The Committee on the Peaceful Uses of Outer Space in Vienna accepted an inexpensive simple solution that is built on existing tools and uses advanced technologies. The digital audio files present a fully authentic audio recording and are immediately available unlike summary records or verbatim records.⁹ In 2011 the Committee accepted to receive digital recordings in six languages. This digital solution brings many advantages, in addition to considerable cost reductions. The bodies which decide to use digital recordings to replace written meeting records opt for a more sustainable conference servicing in the UN. They contribute to reforming the way we operate and to reducing a significant part of the documentation workload. For the purposes of this paper, while we do not have a costing of this, there should ideally be collaboration with the secretariat in Vienna to explore how this may be implemented in the context of the treaty body system.

Other proposals

While documentation is a key category where cost reductions can be made, the proposals above only deal with a few specific areas which are relevant in the context of treaty bodies. However, as an overall measure, in terms of modern distribution and greening, further reductions in printing and distribution expenses will produce immediate savings with minimal inconvenience to users, given that this documentation is readily available on the UN's Official Documentation System (ODS).

⁷ See A/C.5/66/L.18, para 77

⁸ The Committee on the Peaceful Uses of Outer Space, part of the UN Secretariat in Vienna, had opted already in 1997 for the less expensive unedited transcripts instead of summary records (you will find the link to those transcripts here: <http://www.unoosa.org/oosa/en/COPUOS/transcripts/index.html>). They will pilot this for 3 years while in parallel still receiving the unedited transcripts.

⁹ Further, the United Nations Commission on International Trade Law (UNCITRAL) decided in July to use the system as a pilot until 2014, in parallel with summary records, and will then decide on whether to discontinue with the SRs. The secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime also requested the system and received the recordings in October. The UNIDO Secretariat will present a proposal to introduce digital recordings to replace summary records later this month.

Within meetings, reducing the working languages, which would save on interpretation expenses, could also be potential areas where cost reductions might be made.

All these proposals stand alone as modern, green ways of going about business in the UN and a shift towards sustainable UN conferencing; in the context of treaty body strengthening, however, these reductions should be reinvested towards closing the serious existing capacity, efficiency and resource gaps.
