

## Submission on Strengthening UN Treaty Bodies

### Community Law Centre

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The UN treaty bodies are established in terms of the various pieces of treaties and have an existing mandate depended on the specific treaty. For example, articles 43 and 44 of the United Nations Convention on the Rights of the Child (CRC) establishes and creates a mandate for the Committee on the Rights of the Child (CRoC), which is mainly tasked with tracking the implementation of this Convention. Similarly, article 17 of the United Nations Convention against Torture (CAT) establishes a Committee on Torture (CoT), which is tasked with a similar duty as that of the CRoC in relation to the CRC.

The CAT stipulates that the CoT should consist of 10 experts, while the United Convention on the Rights of Persons with Disabilities (UNCRPD) allows for 12 persons to be part of the Committee on the Rights of Persons with Disabilities (CRoPD). Multiple anecdotes point out that the UN treaty bodies are currently “over-worked.” Of these include the situation in relation to the backlog of States Parties presenting on reports that they have logged possibly 3 years before in the CRoC. With that it should also be noted that although these backlogs exists in relation to considering States Reports, not all States Parties have submitted reports on time to the CRoC.<sup>1</sup>

Enforcing the rights contained within the various treaties is also not a brand new phenomenon in the UN treaty body system. Many UN and regional human rights treaties have incorporated a communications procedure within their treaty body systems.<sup>2</sup> This has proven to be an effective method to enforce the rights contained within those international and regional treaties by those treaty bodies. However, there are treaty bodies that do not contain such a procedure. Of these include the CRoPD and the CRoC. Currently an optional protocol is being debated for the CRC in order to create a communication procedure for the CRoC. Such a mechanism would give nationals of States Parties to this Convention (which are all States in the world, except for the United States of America and Somalia) an avenue to enforce the rights contained within this treaty at the CRoC.

#### **Recommendations for Treaty Bodies**

- Ensure an effective communications procedure to the UN treaty bodies that currently do not have such a procedure in place;
- Increase the amount of Committee members in order to work more effective and have the ability to deal with the backlog of current State Party reports;
- Such an increase in members to these bodies would also give the treaty bodies greater authority to put pressure on States Parties to submit their initial and periodic reports;
- Provide support to treaty bodies in order to produce more general comments on the interpretation of the articles of the treaties; and
- Explore the working methods of regional treaty bodies and ensure harmonisation of both regional and international human rights treaty bodies to collaborate where necessary.

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<sup>1</sup> For example, South Africa is plus minus 15 years late in the submission of its periodic reports to the CRoC.

<sup>2</sup> These include the United Nations Convention against Torture, the African Charter on Human and Peoples Rights and the Inter-American Convention on Human Rights.