Statement by Nigel Rodley

CHAIRPERSON, HUMAN RIGHTS COMMITTEE

68th session of the General Assembly
Third Committee
Item 69 (a)

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New York
Chairperson,

Distinguished delegates,

Colleagues and friends,

I am honoured to address this General Assembly and present to you the 68th annual report of the Human Rights Committee.

Since you were addressed by my distinguished colleague Zonke Majodina last year, the global financial crisis persists and turmoil enflames many parts of the world. As the need to protect civil and political rights in these regions becomes more challenging, the Committee's role, as the body monitoring the most comprehensive treaty on civil and political rights, becomes more relevant. Member States, we believe that we can assist you in facing the human rights challenges that arise during times of disorder as well as peace. Through our various procedures: reporting; individual communications; and General Comments we hope that together we can ensure better protection for everyone in your jurisdictions.

Since the last General Assembly, the Committee has undertaken a substantial amount of work, including the adoption of 109 communications (62 Views, 28 Inadmissibility decisions and 19 Discontinuances), and the review of 16 States parties and special administrative regions under article 40 of the Covenant. However, our activities can only be of greatest service if States actively engage with us throughout each process. The production of a report is a vital step under article 40, but implementation of our concluding observations is the expected result. The finding of a violation under the Optional Protocol is best followed by the provision of a remedy and the acceptance of requests for interim measures of protection can save lives. We are grateful to those States which, over the last year, have assumed their responsibilities, provided reports, and implemented our requests, and recommendations. Ratification without implementation is a gross deception.

Equally, the participation of States in the development of General Comments is vital for this Committee. We will shortly complete the first reading of the 34th draft general comment on the right to liberty and security of person, after which we will solicit comments from you. Your contribution in this work will make for a text that provides greatest guidance to States party and individuals around the world as to their obligations and rights, respectively.

During one of our sessions this past year, we were addressed by the OHCHR about some of the excellent work undertaken by it in the field. They provided us with many examples of how the office supports States in the implementation of their human rights obligations. Some States have also set up national mechanisms which facilitate implementation. We also welcome the attention paid to capacity building in the context of the intergovernmental process.

States which are having difficulty fulfilling their obligations may consider seeking the assistance of the OHCHR, in particular, the forty States parties which are at least five years overdue with either an initial or periodic report, as well as those States which are unable (as
opposed to unwilling) to implement our recommendations. We understand that sometimes States may disagree with us on the interpretation of certain rights and, even after the fullest cooperation, on the factual conclusions we reach. It is then incumbent on them to explain the basis for that disagreement for the appreciation of the Committee and other States parties. Again, simple failure to provide remedies in cases of findings of violations under the Protocol undermines the credibility of a State party’s acceptance of the procedure.

Other challenges the Committee faces relates to our growing workload. There is currently a backlog of thirty-six reports to be considered. Ms. Majodina indicated last year that a report received in October 2012 would not be considered until March 2015: two and a half years. The Committee considered this unacceptable and thus this year started reviewing six rather than five reports per session.

States parties can also reduce the time between submission of reports and review through the adoption of the simplified reporting procedure. The Committee welcomes the fact that to date twenty one States parties have signed up for this procedure and the Committee has adopted lists of issues in ten cases. We are looking forward to reviewing the first report received under this procedure by Uruguay later this week in Geneva. I encourage all States parties, which fulfil the criteria, to adopt this procedure. Again, I welcome the support of the co-facilitators have been giving this procedure.

As demonstrated, this Committee continually adapts its working methods to make the best use of its time and resources. Since last year, we have commenced adopting list of issues in two chambers running simultaneously; have increased the periodicity for reports; and hold bureau meetings outside official meeting time.

Distinguished delegates,

The greatest challenge currently facing the Committee relates to a lack of human resources in the Secretariat to prepare sufficient draft communications for the Committee. This is having a detrimental impact on the work of the Committee under the Optional Protocol. Unfortunately, the failure to address the Committee’s request for resources in our last Annual Report has led to a further increase in the backlog from 140 to 160 individual communications. The average length of time from receipt of a case to consideration is three and a half years and growing. I must impress upon you the seriousness of this situation. I refer to Volume 1, Chapter 1, paragraphs 30-35 of the annual report which reiterates our request from last year. The Committee is mindful that this request is coming at a time when funds are limited but it would be an injustice to all those who rely on our work to pretend we can do our job properly with less. At the national level, the Covenant expects judicial processes to be concluded within a reasonable time; it is, to say the least, an embarrassment when the Committee cannot do the same. I urge you to commend our request to the Fifth Committee.

I am persuaded that the inter-governmental process can go some way to alleviating the challenges mentioned above, which affect the entire treaty body system. The Committee was pleased to see the adoption of the procedural resolution on 20 September, which should give some clarity as to the real cost of an effective and efficient Treaty Body system. As to the substantive resolution, I urge you to avoid delaying this process beyond February 2014.
In your deliberations, I encourage all States parties to recall the principles agreed upon by the treaty bodies earlier this year. During the meeting of the Chairpersons in May, the independence of members was highlighted as a central principle and the source of credibility and integrity of the system. Showing deference to this principle, the Committee adopted the Addis Guidelines on the Independence and Impartiality of members in our last session in July. Other principles include ensuring that the process addresses the challenges the treaty body system faces in a comprehensive and sustainable manner. Importantly, all cost-saving must be reinvested in the treaty body system and treaty bodies should be equipped with the proper material and human resources from the regular budget to adequately carry out their responsibilities under the respective treaties. The outcome of this process should strengthen human rights protection and intensify the scrutiny of implementation of obligations as provided by the treaty body system.

The Committee is convinced that if these principles are upheld the final resolution will lead to the type of human rights protection that the treaty body system was designed to achieve.