

# **Diversity in Membership of the UN Human Rights Treaty Bodies**

**Geneva, February 2018**

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# INTRODUCTION<sup>1</sup>

The UN Human Rights Treaty Body Strengthening Process highlighted the importance of diversity within the treaty bodies' membership. This paper examines the composition of the treaty bodies having as point of reference the Geneva Academy In-Brief No. 1 on the "Independence of the Treaty Body Members" that examined the treaty body composition as of 2012. This paper goes further and analyses how the composition of the treaty bodies has modified following the election cycles taking place from 2013-2016. The purpose of the paper is to draw connections between the treaty provisions regarding membership, the recommendations issued by the General Assembly regarding treaty body strengthening and the actual composition of the treaty monitoring bodies.

The paper is divided in four parts. The first part discusses the treaty provisions regarding treaty body composition. The second part underscores the recommendations issued within the intergovernmental treaty body strengthening process. The third part describes the methodology and limitations of the present study. The last part analyses the composition of the treaty bodies and its evolution from 2012-2016 along several axes.

## 1. TREATY PROVISIONS ABOUT DIVERSITY IN TREATY BODY MEMBERSHIP

The UN human rights treaties prescribe a series of requirements regarding membership. These requirements refer to nationality, moral character, conditions of service, representation, and subject-matter experience.

### **A. NATIONALITY, MORAL STANDING AND PERSONAL CAPACITY**

All human rights treaties uphold three requirements that treaty body experts must meet. First, they must be nationals of Member States to the respective treaty. The Optional Protocol to the Convention against Torture is the only treaty that contains an explicit limitation of seats allocated to nationals of a Member State. This treaty establishes that no two members of the Subcommittee on Prevention of Torture may be representatives of the same State.<sup>2</sup> In addition to the nationality of experts, another common characteristic for all human rights treaty bodies is that their members must be persons of high moral character. The third common requirement refers to the conditions of service of treaty body experts. All treaties specify that all experts serve in their personal capacity.

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<sup>1</sup>. This research brief was written by Dr. Ivona Truscan under commission of the Geneva Academy.

<sup>2</sup> Optional Protocol to the Convention against Torture, Art. 5(5).

## **B. REPRESENTATION**

With regards to representation, all human rights treaties consider representation of geographical regions, forms of civilization and legal systems. The Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the Convention against Torture and the Convention on the Rights of Persons with Disabilities refer to members being elected based on equitable geographical distribution, representation of different forms of civilization and the principal legal systems.<sup>3</sup> The Convention on the Rights of the Child and the Convention on the Rights of Migrant Workers and Members of Their Families refer only to equitable geographic representation and representation of the principal legal systems.<sup>4</sup> Moreover, in view of the specificity of the scope of the Convention on the Rights of Migrant Workers, the treaty requires due consideration to ensure that experts be nationals of both States of origin and States of employment.<sup>5</sup>

## **C. SUBJECT-MATTER EXPERIENCE**

Several treaties require experts to have experience relevant to the subject matter of that particular treaty or legal experience.<sup>6</sup> For instance, the CEDAW specifies that its members should have competence on the field covered by the Convention.<sup>7</sup> The International Covenant on Civil and Political Rights and the Convention against Torture mention members having legal experience.<sup>8</sup> The Optional Protocol to the Convention against Torture mentions that the members of the Subcommittee on Prevention of Torture are required to have proven experience in the field of administration of justice, in particular criminal law, prison or police administration, or in various fields relevant to the treatment of persons deprived of their liberty.<sup>9</sup>

## **D. GENDER BALANCE**

Provisions towards gender balanced treaty body membership are included in the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities and the Convention on the Protection of All Persons from Enforced

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<sup>3</sup> Convention on the Elimination of Racial Discrimination, Art. 8(1); Convention on the Elimination of Discrimination against Women, Art. 17(1); Optional Protocol to the Convention against Torture, Art. 5(3); Convention on the Rights of Persons with Disabilities, Art. 34(4).

<sup>4</sup> Convention on the Rights of the Child, Art. 43(2); Convention on the Rights of Migrant Workers and of Members of Their Families, Art. 72(2)(a).

<sup>5</sup> Convention on the Rights of Migrants, Art. 72(2)(a).

<sup>6</sup> International Covenant on Civil and Political Rights, Art. 28(2); Economic and Social Council, Resolution 1985/17 – Review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 28 May 1985, para (b); Convention on the Elimination of Discrimination against Women, Art. 17(1); Convention on the Rights of the Child, Art. 43(2); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 17(1); Convention on the Rights of Migrant Workers and Members of Their Families, Art. 72(1)(b); Convention on the Protection of All Persons from Enforced Disappearances, Art. 26.

<sup>7</sup> Convention on the Elimination of Discrimination against Women, Art. 17(1). A similar reference is made in the Convention on the Rights of the Child, Art. 43(2).

<sup>8</sup> International Covenant on Civil and Political Rights, Art. 28(2); Convention against Torture, Art. 17(1).

<sup>9</sup> Optional Protocol to the Convention against Torture, Art. 5(2).

Disappearances.<sup>10</sup> The OPCAT indicates that the composition of the Subcommittee on Prevention of Torture should also reflect balanced gender representation on the basis of the principle of equality and non-discrimination.<sup>11</sup>

### **E. PERSONS WITH DISABILITY**

The Convention on the Rights of Persons with Disabilities is the only treaty that imposes on States the duty to give due consideration to elect experts with disabilities.<sup>12</sup>

### **F. OTHER SPECIFIC PROVISIONS**

Several treaties contain unique provisions compared to the other instruments. What is specific to the Convention against Torture is the reference that Member States could also elect members that were already serving in the Human Rights Committee.<sup>13</sup>

## **2. RECOMMENDATIONS ABOUT MEMBERSHIP DIVERSITY IN THE INTERGOVERNMENTAL PROCESS REGARDING STRENGTHENING THE TREATY BODIES**

The intergovernmental process established in 2012 by the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system<sup>14</sup> opened the opportunity to scrutinize the membership of the treaty bodies and submit proposals that touched upon the nomination and election of experts.

### **A. REPORT OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

In support of treaty body strengthening process, the High Commissioner for Human Rights elaborated a report that provided an overview of the functioning of the treaty bodies identifying areas of setback and proposing solutions.<sup>15</sup> With respect to the composition of the treaty bodies, the report examined membership looking at distribution by sex, region, working languages and current professional engagement. The professional categories included academics, consultant/ advisor, diplomat or Government official, judge or lawyer, member of Parliament, non-

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<sup>10</sup> Optional Protocol to the Convention against Torture, Art. 5(4); Convention on the Rights of Persons with Disabilities, Art. 34(4); Convention on the Protection of All Persons from Enforced Disappearances, Art. 26.

<sup>11</sup> Optional Protocol to the Convention against Torture, Art. 5(4).

<sup>12</sup> Convention on the Rights of Persons with Disabilities, Art. 34(4).

<sup>13</sup> Convention against Torture, Art. 17(2).

<sup>14</sup> General Assembly, Resolution 66/254 - Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, A/res/66/254, 15 May 2012.

<sup>15</sup> General Assembly, Report of the UN High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254, A/66/860, 26 June 2012.

governmental organization, National Human Rights Institution, retired United Nations official, retired diplomat or Government official, and retired judge or lawyer.<sup>16</sup>

Echoing recommendations issued since 1997 by the Chairpersons of the treaty bodies during their Annual Meetings, the High Commissioner maintained that States should attach importance to appropriate gender balance within treaty body membership, in addition to expertise in areas related to the mandate of the respective treaty body, balanced geographical composition and reassurance of the experts' availability to discharge the mandate they were appointed to.<sup>17</sup> To ensure that the composition of the treaty bodies would reflect these characteristics, the High Commissioner advised that nomination processes at national level should be conducted in an inclusive, open and transparent manner.<sup>18</sup>

## **B. GENERAL ASSEMBLY RESOLUTION 66/254**

The outcome document of the treaty body strengthening process, namely the General Assembly Resolution 66/254, sets the ground for the Office of the High Commissioner for Human Rights having to provide information on the current situation regarding the composition of the treaty bodies in preparation of the election of members for each respective treaty body. The information should provide an overview on the geographical distribution of members, gender representation, professional background and different legal systems.<sup>19</sup> Consequently, throughout the elections cycles that took place between 2013-2016, the OHCHR sent on behalf of the UN Secretary-General a Note Verbale to remind Member States of the conditions for eligibility of treaty body members under the respective international treaty as well as of the provisions of the General Assembly Resolution 68/268 regarding the composition of the treaty bodies.<sup>20</sup>

## **C. GENERAL ASSEMBLY RESOLUTION 68/268**

This instrument contains explicit language inviting States Parties to put in place election processes that give due consideration to equitable geographic distribution, representation of the different forms of civilization and the principal legal systems, balanced gender representations and the participation of experts with disabilities.<sup>21</sup> To facilitate the establishment of such processes at national level, the Resolution establishes on the side of the Office of the High Commissioner for Human Rights the duty to produce documentation on the composition of the

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<sup>16</sup> General Assembly, Report of the UN High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254, A/66/860, 26 June 2012, pp. 76-77.

<sup>17</sup> General Assembly, Report of the 8<sup>th</sup> Meeting of Persons Chairing the Human Rights Treaty Bodies convened in Geneva from 15 to 19 September 1997, Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, A/52/507, 21 October 1997, para 68.

<sup>18</sup> General Assembly, Report of the UN High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254, A/66/860, 26 June 2012, pp. 77-79.

<sup>19</sup> General Assembly, Resolution 68/268 – Strengthening and enhancing the effective functioning of the human rights treaty body system, A/RES/68/268, 9 April 2014, para 12.

<sup>20</sup> For instance, in preparation of the 2016 elections for the Human Rights Committee Members, the Note Verbale issued by the Secretary General included references to membership according to the International Covenant on Civil and Political Rights as well as to General Assembly Resolution 68/268.

<sup>21</sup> General Assembly, Resolution 68/268 – Strengthening and enhancing the effective functioning of the human rights treaty body system, A/RES/68/268, 9 April 2014, para 13.

treaty bodies, particularly with regard to balance in terms of geographic distribution and gender representation, professional background and from other legal systems.<sup>22</sup>

#### **D. REPORT OF THE SECRETARY-GENERAL ON THE STATUS OF THE HUMAN RIGHTS TREATY BODY SYSTEM**

The General Assembly Resolution 68/268 establishes two review mechanisms of progress made in relation to strengthening the treaty bodies. First, the Resolution requests the Secretary-General to submit a biennial report to the General Assembly on the state of the treaty body system. Second, the General Assembly decides that an overall review of the effectiveness of the measures taken pursuant to Resolution 68/268 would take place no later than 2020.

The first report of the Secretary-General on this subject highlights several persistent problems connected to nomination and election of treaty body members. In particular, the report makes reference to gender imbalance and lack of equitable geographic distribution in the membership of the treaty bodies. The report acknowledges both that men are overrepresented in most treaty bodies as well as women's overrepresentation in the Committee on the Elimination of Discrimination against Women.<sup>23</sup>

With regard to facilitating access to the United Nations premises by persons with disabilities, including members of the treaty bodies, the report mentions progress with respect to the development of an accessibility matrix that will allow adapting all conference rooms to offer a few seats for persons with disabilities as well as audiovisual and information technology infrastructure and equipment, podium access, circulation width, at least one accessible door, additional space in each conference room and the possibility to have a personal assistant travel with treaty body members with disabilities.<sup>24</sup>

### **3. METHODOLOGY**

The present analysis examines the evolution of the membership of the treaty bodies following the elections taking place from 2013-2016. The purpose of the analysis is to shed light on the extent the treaty body composition reflects the diversity criteria prescribed by the treaties and to draw observations on whether the treaty body strengthening process has had an impact on ensuring such diversity.

Data collected along four axes, namely gender balance, geographic distribution, subject-matter expertise and professional background informs the present analysis. With regard to gender

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<sup>22</sup> General Assembly, Resolution 68/268, para 12.

<sup>23</sup> General Assembly, Report of the Secretary General- State of the human rights treaty body system, A/71/118, 18 July 2016, paras 79-80.

<sup>24</sup> General Assembly, Report of the Secretary General- State of the human rights treaty body system, A/71/118, 18 July 2016, para 81.

balance, the analysis examines the proportions of male and female members within each of the treaty bodies.

With respect to geographic distribution, the study takes into account the regional groups as defined by the United Nations, namely: Africa, Asia-Pacific, Eastern Europe, Latin America and the Caribbean, and Western Europe and Others. It does not establish a correlation between the geographic distribution of members and the ratification of the human rights treaties by UN Members States, which may be more relevant for the younger treaties.

Regarding the aspect of subject-matter expertise, the study compiled data corresponding to the following educational backgrounds: legal studies, social sciences, political sciences and technical studies. The latter category includes related areas, such as psychology, criminology, medicine, engineering, history, economics or finance. The author acknowledges that a person's expertise is not determined solely by one's education. However, given the limitations of this paper, only the criterion of educational background is used to assess the members' subject-matter expertise.

To assess the aspect of diversity within the professional background, the professional categories considered are the following: academic; legislative; legal profession; executive functions within government; member of national human rights institutions or Ombuds institutions; representative of NGOs; and the private sector. The paper acknowledges that members of the treaty bodies may have cumulated various experiences in their professional careers. For the purposes of this study, the analysis takes into account the professional function the expert was undertaking at the moment of election to the respective treaty body. The category "legal profession" includes both magistrates and lawyers. Regarding the category "private sector", this includes situations where experts work as consultants, are self-employed or are employees in privately-owned organizations.

This report uses information concerning each treaty body and the election processes available on the website of the Office of the High Commissioner for Human Rights. The biographical information submitted in relation to nominated candidates and elected members forms the basis of the analysis along the four axes.

The paper does not take into account the candidates that were nominated by the State Parties, but were not ultimately elected.

## 4. EVOLUTION OF MEMBERSHIP DIVERSITY IN TREATY BODY COMPOSITION

Each human rights treaty<sup>25</sup> prescribes its own rules regarding the election of members. For instance, the members of the Human Rights Committee are elected for terms of four years. After the first election, the term of nine of the eighteen members expires after two years. As consequence, half of the membership of the Human Rights Committee has since been renewed biennially.<sup>26</sup> This procedure is common to all treaty bodies.<sup>27</sup>

In the period from 2013-2016, each treaty body underwent two cycles of elections. In 2013 and 2015, elections took place for the Committee on the Elimination of Racial Discrimination, Committee against Torture, Committee on Migrant Workers and the Committee on Enforced Disappearances. In 2014 and 2016, the following Committees renewed their membership, namely: Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities and the Subcommittee on Prevention of Torture.

The paper refers to the first election cycle as the elections that took place in 2013 or 2014, depending on the treaty body. Similarly, the second election cycle refers to the elections that took place in 2015, and respectively in 2016.

### A. COMPOSITION OF THE TREATY BODIES IN 2012

As mentioned in the Introduction, the starting point of the analysis is the In-Brief on *Independence of the Treaty Body Members* elaborated by the Geneva Academy in 2012. This publication discusses the following findings regarding the composition of the treaty bodies at that time. From a gender balance point of view, this research indicated that in 2012, 39% members were women.

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<sup>25</sup> The Committee on Economic, Social and Cultural Rights is the exception as the conditions of election to this treaty body are established by Resolution 1985/17 of the Economic and Social Council on Review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 28 May 1985.

<sup>26</sup> International Covenant on Civil and Political Rights, Art. 32(1).

<sup>27</sup> Convention on the Elimination of All Forms of Discrimination against Women, Art. 17; Convention on the Elimination of Racial Discrimination, Art. 8(5)(a); Convention against Torture, Art. 17(5); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 72(5); Convention on the Protection of All Persons from Enforced Disappearances, Art. 26(4); Optional Protocol to the Convention against Torture, Art. 9. Minor variations are specific to the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities. According to the Convention on the Rights of the Child, the mandate of five members out of eighteen expires two years after the first election. The mandate of six members of the eighteen members is renewed for the Committee on the Rights of Persons with Disabilities. See: Convention on the Rights of the Child, Art. 43(6); Convention on the Rights of Persons with Disabilities, Art. 34(7),(8).

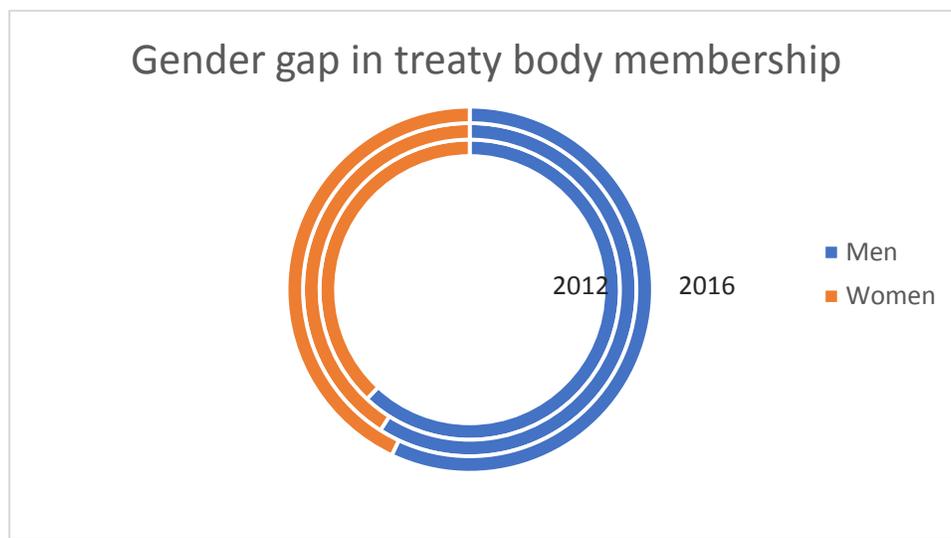
Additionally, as to geographical representation, most experts represented European States who occupied 61 of the 172 seats. The least represented region in every treaty body was Africa preceded by members coming from the Asia and Pacific region. States from Latin American countries were fairly represented in the treaty bodies. The treaty bodies that achieved the fairest representation of States Parties were the Committee on Enforced Disappearances and the Subcommittee on the Prevention of Torture.

Regarding the experts' professional background, that research also indicated that 72% of the treaty bodies experts had a background in the academic sector. Members having a connection to the executive branch amounted to 55%. The judiciary counted 12% of the membership, while the NGO sector only 10%. Finally, 2% of the experts equally had a background in the legislative branch and the private sector.<sup>28</sup>

## B. GENDER BALANCE

The evolution of the overall composition of the treaty bodies from 2012-2016 indicates that the gender gap is closing. In 2012, 106 members (62% of total membership) were men compared to 38% women members. This gap has been reduced to 57% men members and 43% women members following the second election cycle. However, this proportion is altered by the fact that the CEDAW and CED Committees have constantly maintained a stark gender imbalance. An analysis of the composition of the treaty bodies that does not take into account the membership of these two Committees points out that the treaty body membership remains men dominated (with over 51% from 2012 until 2016). In this equation, women represent only a quarter to the total treaty body membership.

Additionally, a trend towards increasing male membership is noticeable within two treaty bodies, namely the CRC and the CRPD. While the composition of these two treaty bodies was close to gender parity after the first cycle of elections, a drastic increase of male membership occurred at the second cycle of elections.



<sup>28</sup> Geneva Academy of International Humanitarian Law and Human Rights, In-Brief No. 1, *The Independence of UN Human Rights Treaty Body Members*, December 2012.

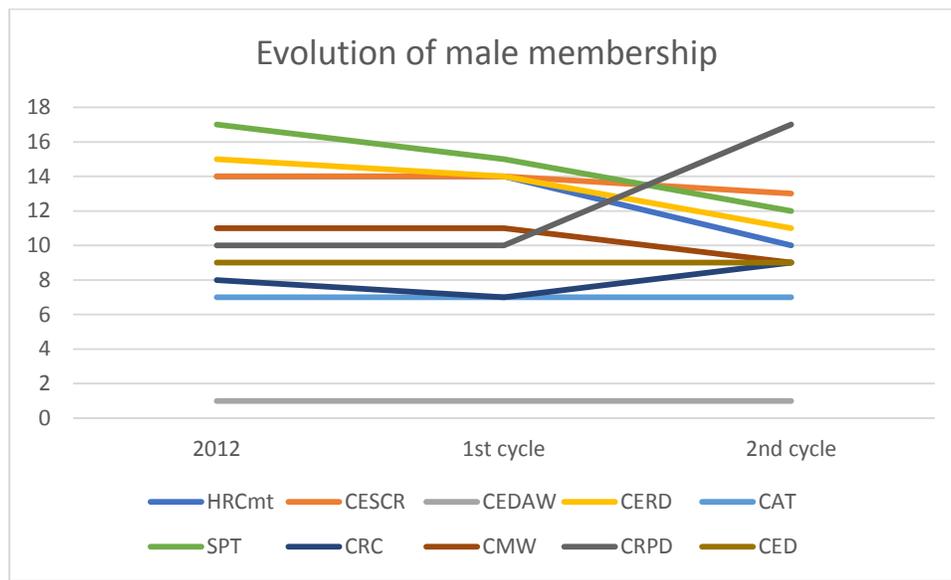
## 1. Treaty Bodies with Gender Imbalance in Favour of Men

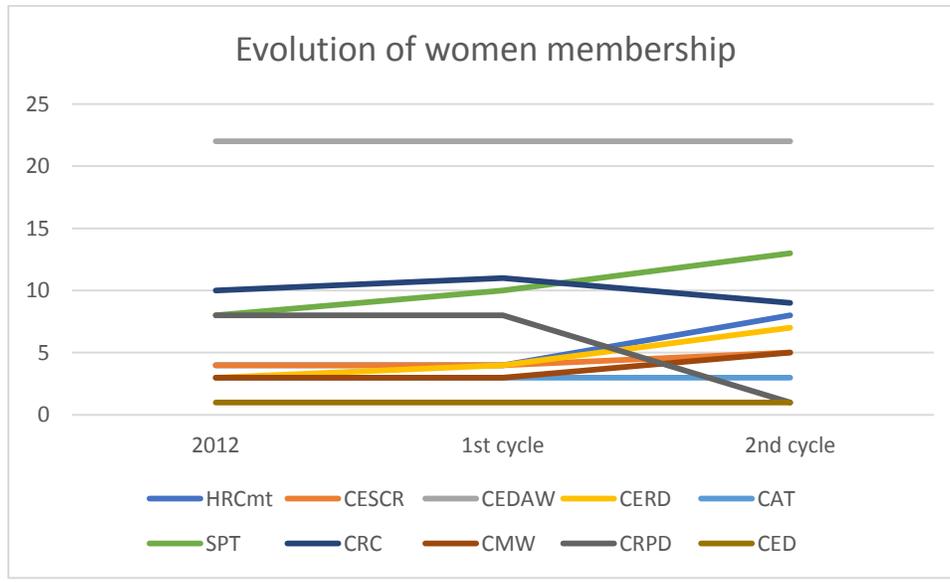
The *Committee on Economic, Social and Cultural Rights* remains a treaty body with a predominantly male composition. Throughout the period 2012-2016, more than 70% of the Committee's composition was formed of men. Currently, the Committee comprises 13 male members (72%) and 5 women members (28%). Since 2012, the maximum number of women members of the treaty body has been five.

The *Committee on the Elimination of Racial Discrimination* is another treaty body where the male members outnumber the female members. However, a decrease of the number of male members can be observed following the elections in 2013 and respectively in 2015. While in 2012, 83% of the members of this Committee were male, this proportion decreased to 78% in 2013 and it is situated at 61% following the elections in 2015. Thus, the number of women members more than doubled and currently the treaty body consists of seven women members.

Since 2012 up until the elections in 2015, the *Committee against Torture* maintained its composition at the proportion three women members and seven men members. However, the current composition indicates a slight increase in the number of women members. There are now four women members of the Committee against Torture representing 40% of the membership.

The *Committee on Migrant Workers* is comprised of 14 members. The number of seats occupied by women has oscillated between three to five seats between 2012 to the present day. Currently, the Committee comprises 5 women experts (36%) and 9 experts men (64%).





The *Committee on the Rights of Persons with Disabilities* is the only treaty body that has substantially enlarged the gender gap since 2012. In 2012, the Committee divided its eighteen-experts' membership between eight women experts (44%) and ten men experts (56%). At the subsequent election cycle, the number of women experts decreased to six experts representing 33% of the membership of this treaty body. The elections in 2016 increased the gender gap as the States Parties maintained only one woman expert in the composition of this Committee.

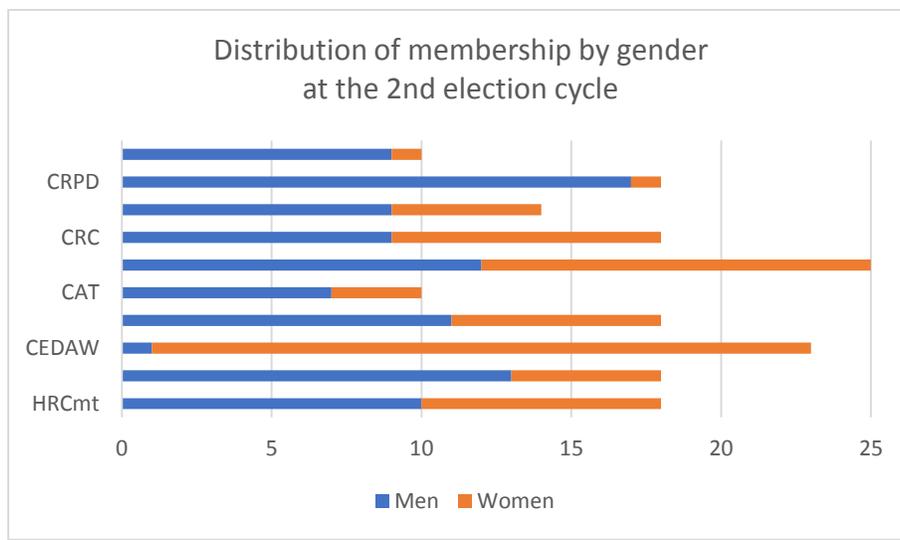
The *Committee on Enforced Disappearances* is consistent in electing only one woman to its ten-experts' composition. This proportion has remained stable since 2012 despite two election cycles in 2013 and 2015 having taken place.

## 2. Treaty Bodies with Gender imbalance in Favour of Women

The *Committee on the Elimination of Discrimination against Women* is another example of a treaty body that displays a constant gender imbalance, this time in favour of women. It is the mirror image of the Committee on Enforced Disappearances. With a membership of twenty-three members, no more than one male member has been part of this Committee since 2012. The elections in 2014 and 2016 have not brought any modifications to this proportion.

## 3. Treaty Bodies close to Gender Parity

If in 2012 the *Human Rights Committee* counted 5 women among its 18-members' composition, in 2016, this number has doubled. This treaty body is in 2016 close to gender parity with a composition counting 8 (44%) women and 10 (56%) men. This is also a progress compared to the gender composition of the Human Rights Committee in 2014, when the treaty body included only 4 (22%) women members.



The *Subcommittee on Prevention of Torture* is another treaty body that has closed the gender gap. In 2012, only eight women (one third of membership) were part of the Subcommittee. This number increased to 10 women members (40% membership) following the elections in 2014. In 2016, the number of women members of the Subcommittee increased again. Currently, the Subcommittee is composed of 13 women members (52%) and 12 men (48%).

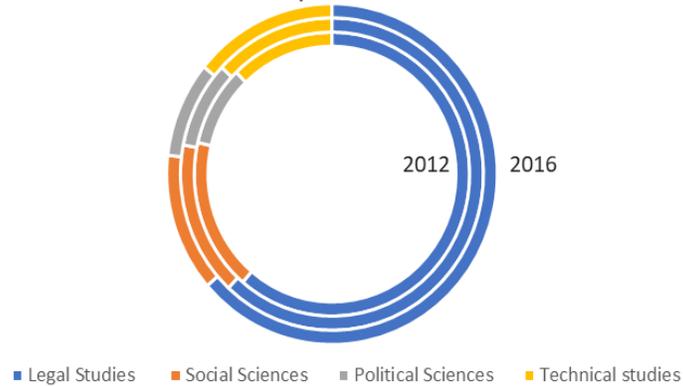
The *Committee on the Rights of the Child* achieved an exact gender parity following the elections in 2015 that resulted in a composition comprising 9 experts women and 9 experts men. The composition of this treaty body has reflected since 2012 a higher number of women experts compared to men. In 2012, ten out of the eighteen members (56%) of this Committee were women. In 2014, the percentage of women members increased to 61% of the membership with 11 women members to 7 men members.

### C. SUBJECT-MATTER EXPERTISE

This paper analysed the representation of expertise in four subject areas, namely legal studies, social sciences, political sciences and technical studies.<sup>29</sup>

<sup>29</sup> In the charts that follow, the percentile representation is to be read in relation to the composition of each treaty body.

Evolution Subject-matter Expertise among treaty body members

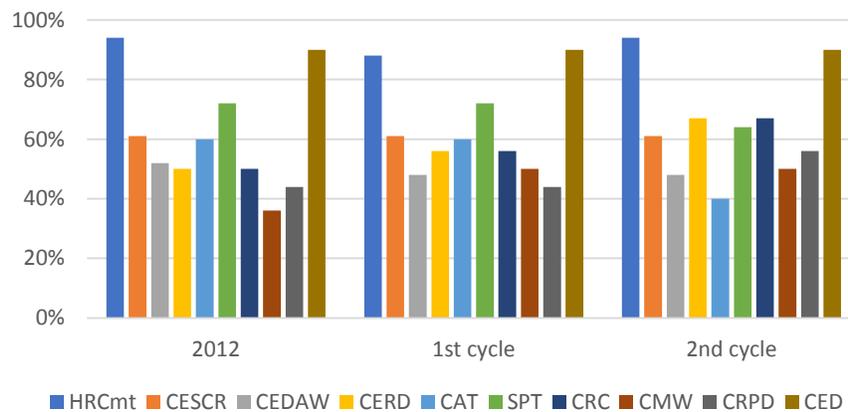


### 1. Legal Studies

Members having expertise in relation to legal studies predominate the treaty body composition. They represent over 60% of membership throughout 2012-2016. The treaty body that has the highest number of members with expertise in legal studies is the Human Rights Committee (94% in 2012 and at the second cycle) followed by the Committee on Enforced Disappearances (90% of the membership constant from 2012 until the second election cycle).

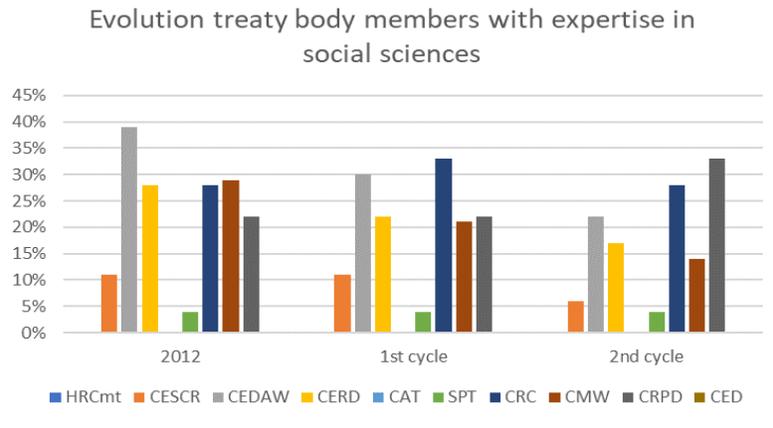
The lowest number of members with legal expertise was in the Committee on Migrant Workers in 2012, but this proportion has significantly increased reaching half of membership by the second election cycle.

Membership with Legal Studies Expertise



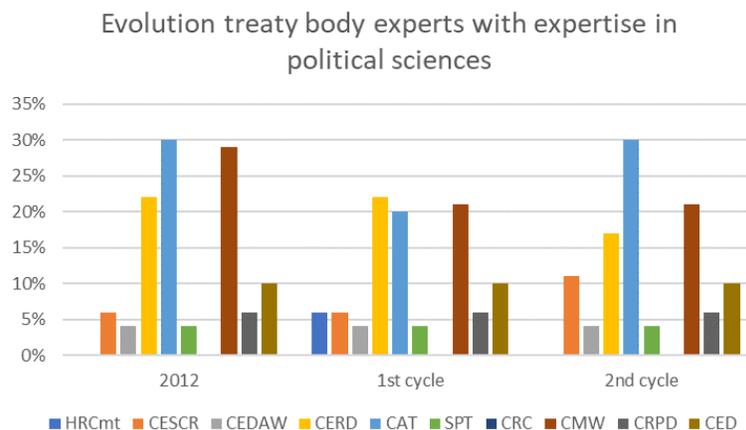
## 2. Social Sciences

The number of experts with a background in social sciences has decreased from nearly 17% in 2012 to 13% of the total membership by the second election cycle. There are treaty bodies that have no experts with a background in this field. These treaty bodies are the Human Rights Committee (throughout the entire analysed period); the Committee against Torture and the Committee on Enforced Disappearances. In the remaining treaty bodies, the average number of experts having such expertise ranges from 3-4 members. The CEDAW Committee had the highest number of experts with background in social sciences in 2012 (9 members representing 39% of the CEDAW Committee membership). This proportion has decreased to 22% following the second election cycle.



## 3. Political Sciences

Not many treaty body members have expertise in political sciences. On average 15 members out of the total of the total of 172 experts have such background. The highest number of members with political science expertise has been part of the CERD and the CMW Committees. Overall, the CESC, CEDAW SPT, CRPD and CED Committees have included one member with a background in political sciences. Such expertise has lacked mostly in the Committee on the Rights of the Child as well as the Human Rights Committee.



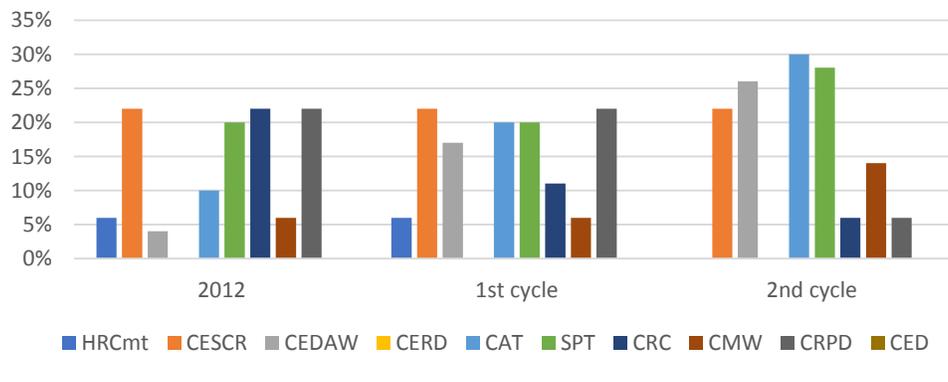
#### 4. Technical Studies

Approximately 12% of experts have a specialization which reflects the specificity of a particular treaty body. The CESCR has constantly allocated four seats to experts having a background in economics or finance. The SPT dedicated 5 seats (20% of this treaty's membership) to members with expertise in criminology, psychology, treatment of persons in psychiatric institutions and clinical work.

The Committee on the Rights of Persons with Disabilities is another treaty body that used to place importance on technical expertise, particularly in the areas related to medical treatment and care for a range of disabilities, but also in areas related to civil engineering and technologies relevant for accommodating disability in everyday life. If in 2012, there were 4 members (22% of the Committee's members) that presented such expertise, this proportion has decreased to 6% at the end of the second election cycle.

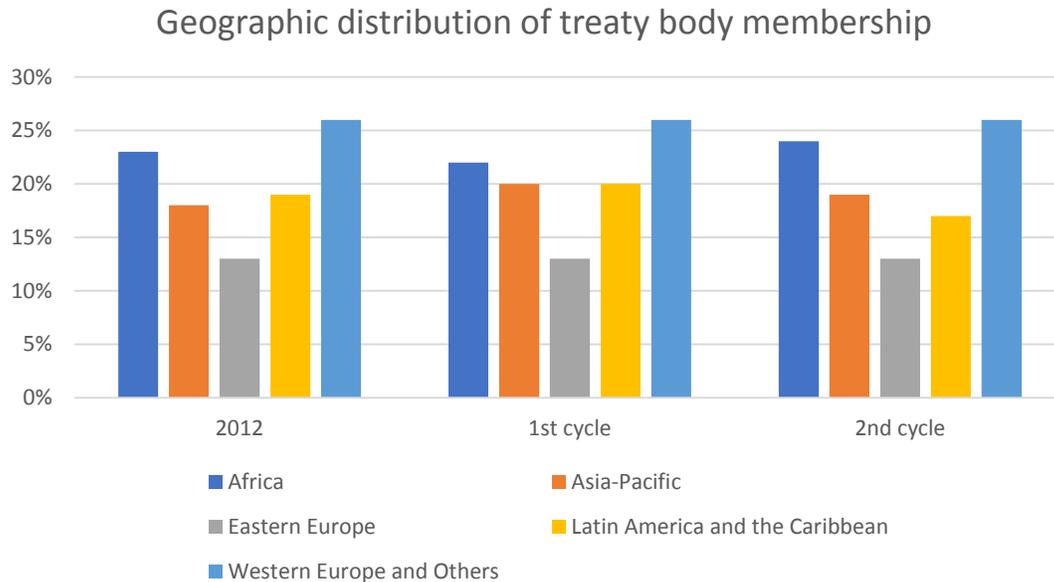
The CRC Committee is another treaty body where experts with background in psychology, education and child care have been elected. There were four experts (22% CRC membership) with such background in 2012. This proportion has, however, decreased following the second election cycle to only 6%.

Evolution treaty body experts with technical expertise



## D. GEOGRAPHIC DISTRIBUTION

The treaty bodies comprise 172 members. The following section describes the geographical distribution of these members according to the designated UN Regional Groups.<sup>30</sup>



### 1. Africa

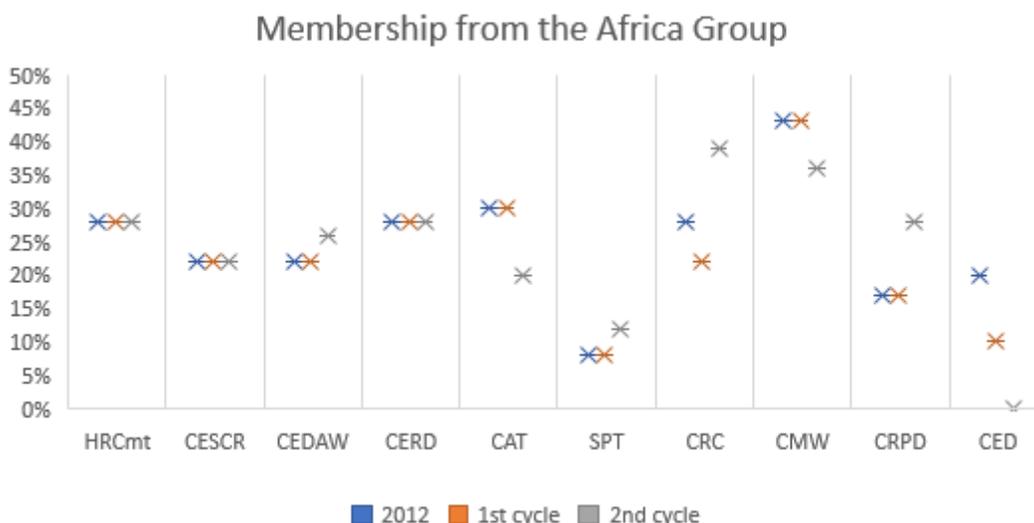
In 2012, 40 members of all the treaty bodies were elected from the Africa Region. The two cycles of election in 2013/2014 and 2015/2016 modified slightly this proportion. Following the first cycle, the number of experts from this region was 38, while at the second cycle, it was 42. This represents 22% of the treaty body membership.

The highest number of experts from this region was elected to the Committee on the Rights of the Child (7 experts) at the second election cycle. This is followed by the Committee on Migrant Workers that counted 6 members from this region in 2012 and at the first election cycle. The Committee on the Elimination of Discrimination against Women also counted 6 experts from this Group following the second election cycle.

There are no members from this region currently appointed to the Committee on Enforced Disappearances. In general, the number of experts elected to this treaty body from the Africa Region has been very low: one member at the first election cycle and, respectively, two members in 2012.

<sup>30</sup> In the charts that follow, the percentile representation is to be read in relation to the composition of each treaty body.

The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have comprised constant number of experts from this region since 2012. There have been five experts from the Africa Group elected to the former treaty body, and four experts to the latter body.



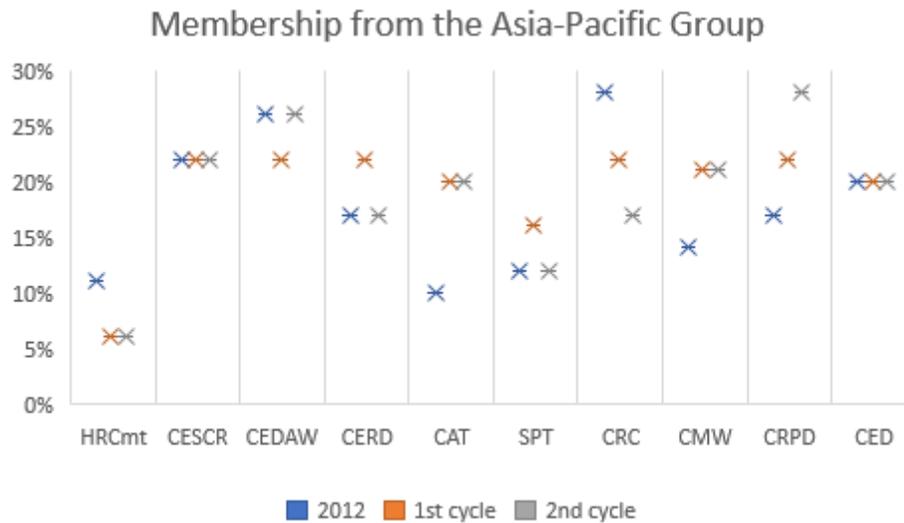
## 2. Asia-Pacific

On average, a number of 32 experts (19% of treaty body membership) is elected from Members States part of the Asia-Pacific Regional Group.

The treaty body that comprised the highest number of experts from the Asia-Pacific region is the Committee on the Elimination of Discrimination against Women that counted six experts in 2012 and at the second election cycle. The Committee on the Rights of Persons with Disability increased the number of seats allocated to experts from this region. In 2012, there were only three experts from this region. Currently, this treaty body includes 5 members from the Asia-Pacific region.

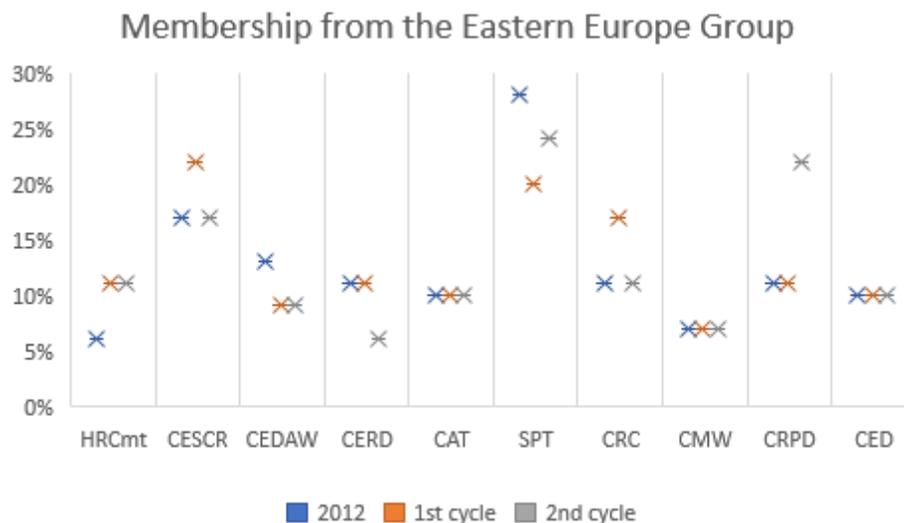
The Committee on Economic, Social and Cultural Rights as well as the Committee on Enforced Disappearances have included since 2012 a constant number of experts from this region. Four experts have been elected to the former treaty body, and, respectively, two experts to the latter one.

Only one member from this region has been part of the Human Rights Committee for the past two election cycles.



### 3. Eastern Europe

The number of experts elected from Eastern European UN Member States has been constant at 23 experts, representing 13% of the treaty body membership. The highest number of experts from this region was elected to the Subcommittee on Prevention of Torture in 2012 (seven experts). The Committee on Economic, Social and Cultural Rights has comprised a constant number of experts, namely three experts. The same observation is also valid for the Committee against Torture, Committee on Enforced Disappearances and the Committee on Migrant Workers, but in these cases, each of the treaty bodies included one member expert from this region.

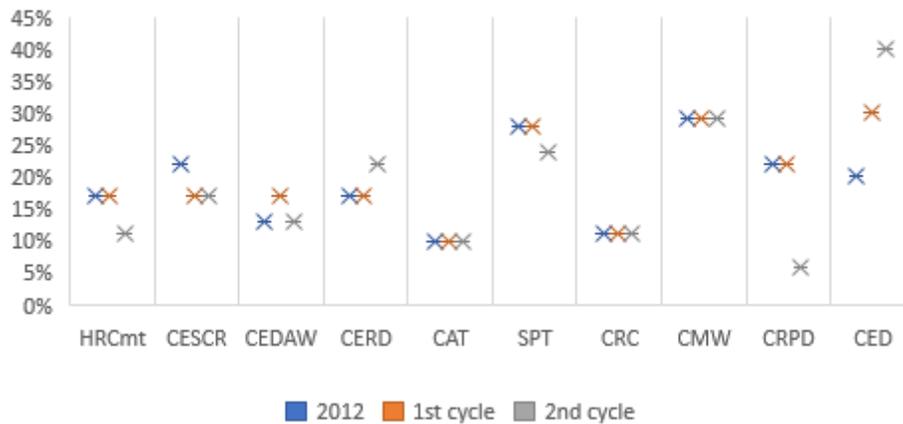


#### 4. Latin America and the Caribbean

Thirty-three experts from Latin America and the Caribbean countries were elected to the treaty bodies, representing 19% of the total membership. Currently, the number of experts from this region dropped to 30 (17% of the treaty body membership). On average, the treaty bodies comprise three or four experts from this region. As with the Eastern European region, the highest number of experts was elected to the Subcommittee on the Prevention of Torture, namely 7 experts following the first election cycle.

The Committee against Torture, the Committee on the Rights of the Child and the Committee on Migrant Workers comprised a constant number of experts from this region, namely one expert in the case of the CAT Committee, two members for the CRC Committee, and four members for the Committee on Migrant Workers.

Membership from the Latin America and the Caribbean Group



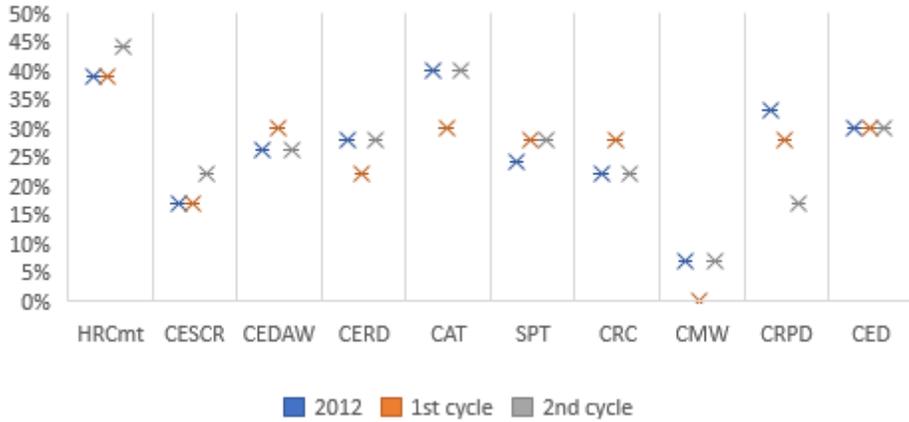
#### 5. Western Europe and Others

The Western Europe and Others region comprises the highest number of experts compared to the other regional Groups. The number of experts has also been constant since 2012. Thus, the treaty bodies have included 45 members from this region, representing one quarter of the overall treaty body membership.

The Human Rights Committee has constantly included the highest number of experts from this region, namely seven members in 2012 and at the first election cycle. Currently, this treaty body includes eight experts from this region.

The Human Rights Committee is followed by the Committee on the Elimination of Discrimination against Women and the Subcommittee on Prevention of Torture, both counting on average six members from this region.

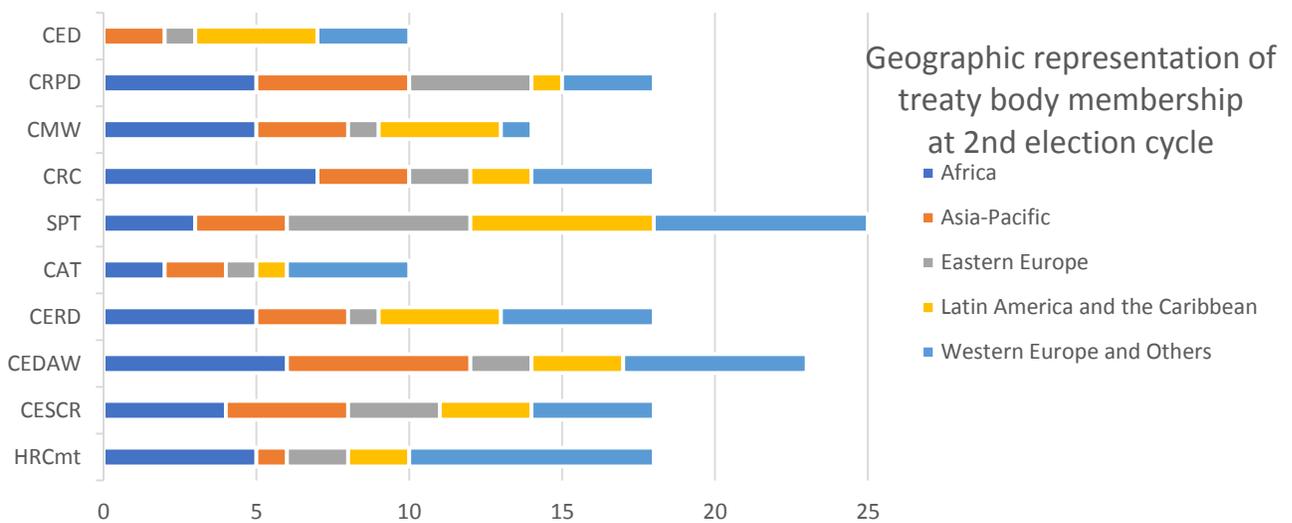
### Membership from the Western Europe and Others Group



The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have also had a rather steady representation of this geographic region with an average number of five, and respectively four experts elected.

The lowest number of experts from this region is found in the Committee on Migrant Workers. In 2012 and after the second election cycle, this treaty body counted only one member from Western European and Others Group. It is also worth noting that after the first election cycle, there were no members from this region in the composition of the Committee on Migrant Workers.

At the time of writing this paper, the composition of the treaty bodies reflected the following geographic representation.



## E. PERSONS WITH DISABILITY

The Committee on the Rights of Persons with Disabilities is the only treaty body that includes in its membership experts with disabilities. No information is available on whether other treaty bodies also comprise persons with disabilities among their membership.

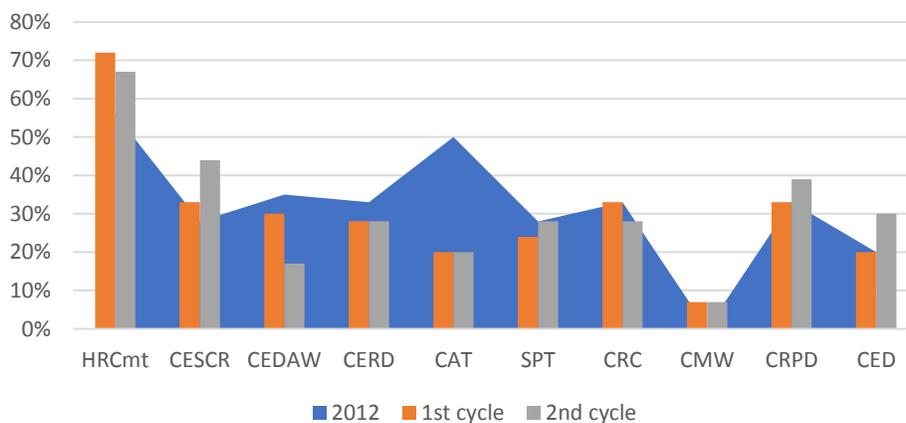
## F. PROFESSIONAL BACKGROUND

### 1. Academic Sector

The number of members of the treaty bodies with professional experience in the academic sector has largely remained not only constant but also predominant in the Committees' composition. This professional sector occupies 55% of the entire treaty body membership. The highest number of members with this professional background is located within the Human Rights Committee. From 56% of the Human Rights Committee's membership in 2012, this proportion increased to 72% following the first election cycle (in 2014) and is currently at 67% following the second election cycle (in 2016). The Human Rights Committee is followed by the CERD Committee that has dedicated 5 seats (28% of its membership) to academics since 2012. The remaining treaty bodies average between 24% and 33% members from the academic sector.

The Committee against Torture reduced by half the proportion of experts having academic background. In 2012, there were 5 CAT experts (50% of the Committee's membership) with academic background. Following both election cycles, this proportion has been reduced to 20% of the CAT membership.

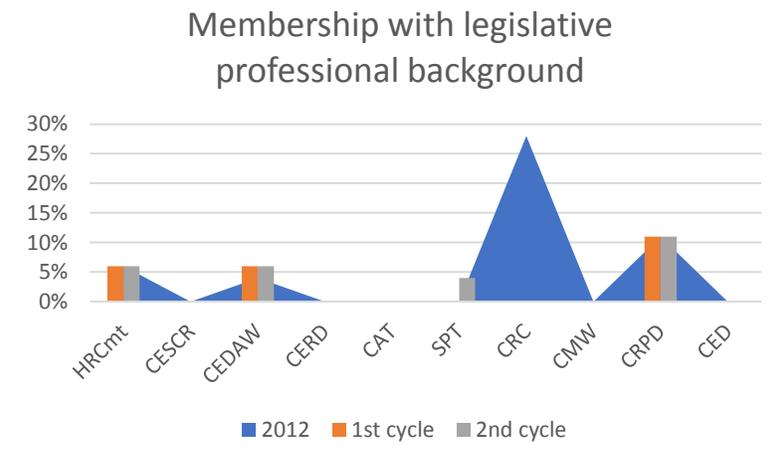
Membership with academic professional background



## 2. Legislative Sector

Only a limited number of experts have a professional background as members of their countries' parliaments. There were 10 members in total in 2012 with such background, and by 2016 this number has been reduced to half, representing 3% of the overall treaty body membership. The CRC Committee included 5 members (28% of the CRC membership) with professional experience in the legislative sector in 2012, but since then no other member with such profile has been elected to this treaty body.

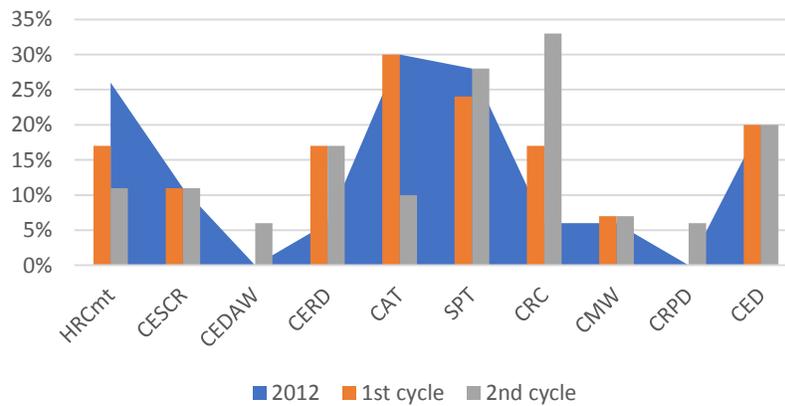
The only treaty bodies that allocate seats to experts with this background are the Human Rights Committee (one member), the CEDAW (one member), the SPT (one member) and the CRPD Committees (two members).



## 3. Legal Profession

A quarter of the treaty body membership has been occupied by experts with professional background in the legal profession as judges and lawyers. In 2012, seven members with this background are part of the SPT (28% of the Subcommittee's composition), followed by 5 experts elected to the Human Rights Committee (26% of this Committee's membership). While in the case of SPT this proportion has remained constant throughout the two election cycles, for the remaining treaty bodies the proportion of experts with experience in the legal profession has remained constant (two experts in the case of the CESC and CED Committees) and one expert (in the case of the CEDAW, CAT, CMW and CRPD bodies).

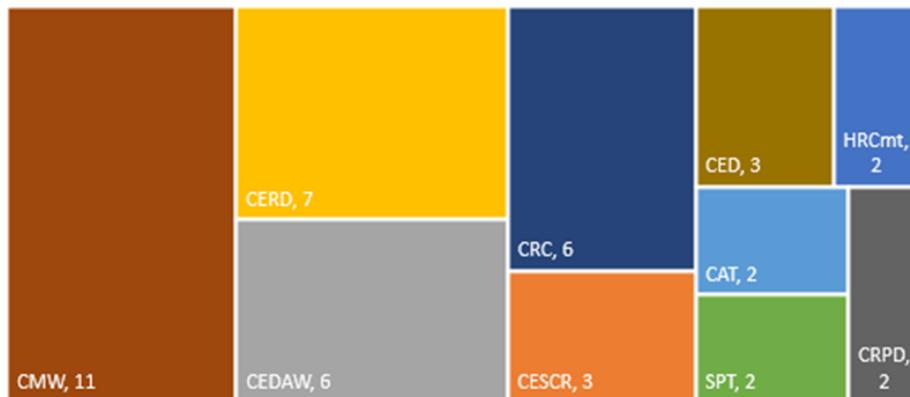
### Membership with legal professional background



#### 4. Executive

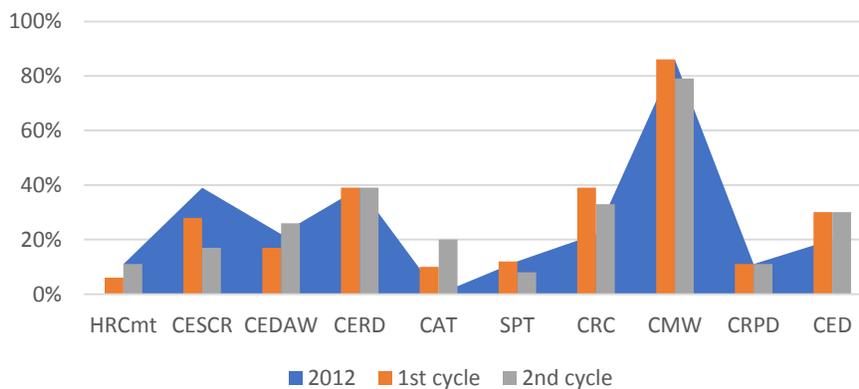
The category of experts whose professional background includes executive functions in their countries' governments ranks second after the category of experts with academic background. A constant average of 44% of the entire treaty body membership is composed of experts with such professional experience.

#### Membership with professional background in the State executive branch at the 2nd election cycle



The highest number of experts with executive functions is elected in the Committee on Migrant Workers, namely between 11 and 12 experts, representing 86% of this treaty body's membership. The CMW Committee is followed by the CERD Committee, where this professional category counts a constant 7 members (39% of the treaty body's membership) throughout the entire period of reference. The CESCR also included 7 members (39% of the CESCR Committee membership) related to the executive in 2012, but this proportion is now of 3 members (17% of the CESCR Committee membership).

## Membership with professional background in the State executive branch



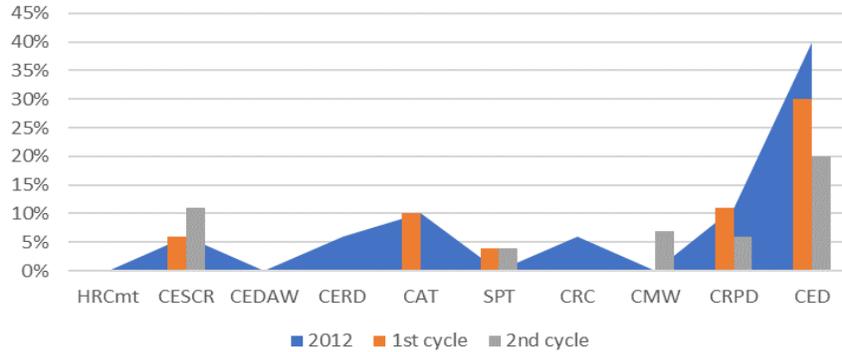
Currently, all treaty bodies include members affiliated to the Government of their respective countries of nationality. The CAT Committee is the only treaty body that did not have in its composition experts with this professional background in 2012. Following the elections in 2013 and 2015, this has changed, but this treaty body remains one of the Committees that counts the lowest number of experts with this experience (one member after the elections in 2013; and two members following the elections in 2015).

### 5. NHRI and Ombuds institutions

A few experts with experience in NHRI or Ombuds institutions have been elected for treaty body membership. There were 10 experts with such professional background in 2012 across all the treaty bodies. This number has decreased to a total of seven experts following the second election cycle.

Treaty bodies that have not included any member with such experience during the studied period are: the Human Rights Committee and the CEDAW Committee. The CRC and the CERD Committees included one member (6% of those treaty bodies' membership) in 2012, but at the following election cycles, no such experts were elected to those Committees. The highest number of experts with experience in NHRI or Ombuds institutions was elected to the CED Committee in 2012. There were 4 members (40%) of the CED with this professional profile. This proportion has progressively decreased to two members (20%) of CED membership.

Membership with professional background within a NHRI/ Ombuds Institution



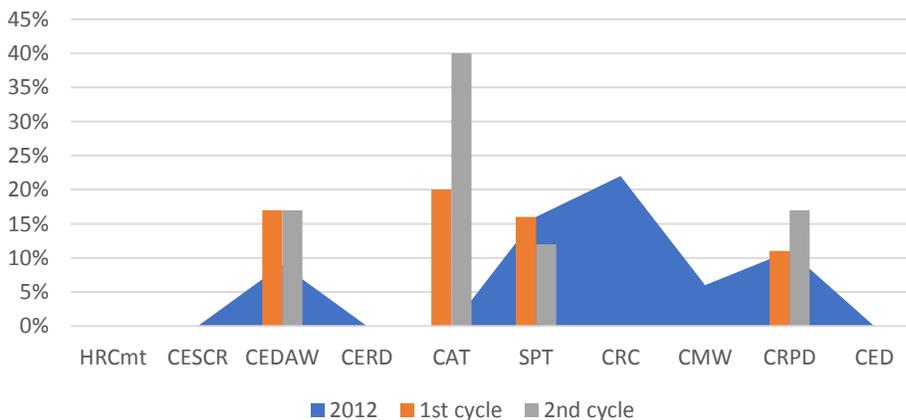
### 6. NGO

An average of 13% of treaty body membership includes professional experience in the NGO sector. The treaty bodies where this professional background is present are: the SPT (4 members, representing 16% of the SPT membership), and the CRPD (2 members, representing 11% of CRPD membership).

Four treaty bodies have not included an expert from the NGO sector in their membership during the studied period, namely: the Human Rights Committee as well as the CESCR, CERD and CED Committees.

The Committee on Migrant Workers included one member with this experience in 2012, but no expert with this professional background was elected in 2014 or 2016.

Membership with professional background in the NGO sector

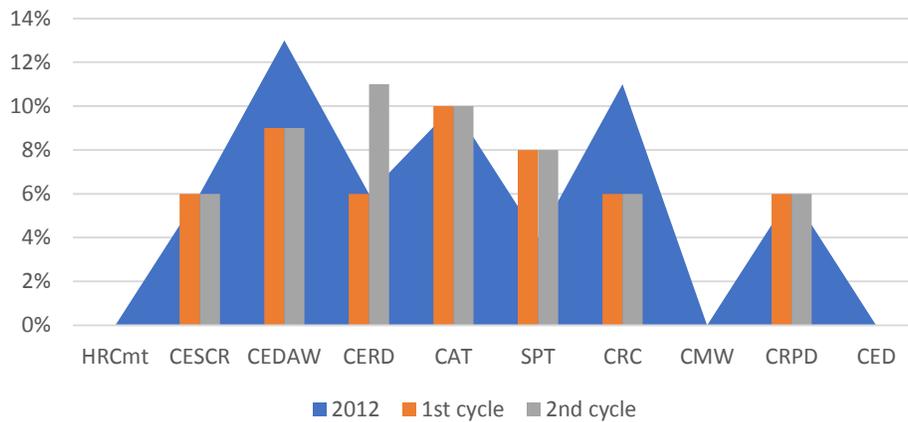


### 7. International Experience

This category includes experts who have had a professional career at international level, working for international organizations or bodies. This is a limited category of experts counting

an average of 10 experts across all the treaty bodies. The CEDAW Committee included three experts with international careers in 2012. The CESCR, CAT and CRPD Committee have also included one expert with this profile throughout the studied period. The Human Rights Committee and the CED Committee have, on the other hand, not included experts with international career experience. It is worth noting that the SPT included in 2012 two members that had served in the European Committee for the Prevention of Torture.

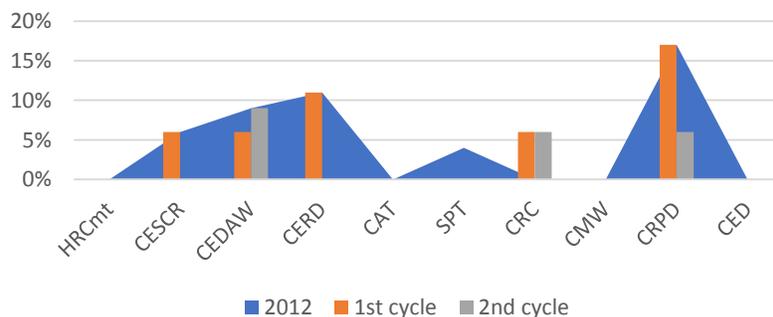
Membership with professional background in international organizations



### 8. Private Sector

With only 9 experts elected to be part of the treaty body membership in 2012, this number has doubled by the second election cycle. The CRPD Committee is the treaty body that has included experts from this field in its membership (three members in 2012 and following the first election cycle, representing 17% of its membership). Otherwise, four treaty bodies have not included any member with this experience in their composition, namely the Human Rights Committee and the CAT, CMW and CED Committees.

Membership with professional background in the private sector



## 5. CONCLUSIONS

The analysis and the methodology employed in the elaboration of this paper bring to attention a number of positive developments, while also exposing persistent problems and shortcomings.

The positive aspects that should be highlighted refer to the progress achieved towards *gender balance* within the treaty body membership. Although this is not reflected in the composition of all of the treaty bodies, the two last election cycles seem to indicate a trend towards decreasing the number of male members. Two Committees are exception, namely the Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child. The Committee on the Elimination of Discrimination against Women comprising only one man member, and the Committee on Enforced Disappearance including one woman member have achieved no progress in closing the gender gap despite two recent elections. On the other hand, the Human Rights Committee and the Subcommittee on Prevention of Torture have moved closer to gender parity.

Another positive aspect is represented by the availability of information regarding treaty body composition and, particularly, the undertaking of the Office of the High Commissioner for Human Rights to submit to State Parties information about each treaty body in advance of nomination and elections processes.

These improvements, however, need to be maintained and accompanied by further action in order to solve the persistent problems related to geographic representation, subject-matter expertise, and professional background.

With regard to *geographic representation*, members from States in the Western Europe and Others Group have occupied the majority of the treaty body seats throughout the period of enquiry. They are closely followed by members from States in the African Group. Members from States in Asia-Pacific and Latin-America and the Caribbean Groups are close to a par. Members from Eastern European States are overall the least represented in the composition of the treaty bodies.

The geographic representation of membership is far from uniform among the treaty bodies. Members from African Group States have occupied a constant number of seats in the Human Rights Committee, the Committee on Economic, Social and Cultural Rights as well as the Committee on the Elimination of Racial Discrimination. They are the majority in the Committee on Migrant Workers, but are under-represented in the Subcommittee for the Prevention of Torture and the Committee on Enforced Disappearances.

The representation of members from States in the Asia-Pacific Group varies considerably for each treaty body during the studied period of time. They have occupied a constant number of seats only in the CESC and CED Committees. A similar observation can be made with regard to members from States in the Eastern Europe Group who have occupied a constant number of seats in the CAT, CMW and CED Committees. These States are most represented in the Subcommittee for the Prevention of Torture.

The CAT and the CMW Committees have also had a constant number of members from the Latin America and the Caribbean Group. Members from these States currently occupy nearly half of the membership in the CED Committee.

While otherwise well represented in the treaty body composition, States in the Western Europe and Others Group are currently least represented in the CRPD Committee and occupy no seats in the CMW Committee.

With regard to *subject-matter expertise*, the research analysed the subjects and areas in which treaty body members gained educational qualifications. The limitation of this research stems from the fact that it examines expertise gained uniquely through education. The research studied four areas of expertise: legal, social, political or technical studies. The paper demonstrates that each treaty body comprises members with legal expertise. The prevalence of legal expertise within the treaty body membership may respond to the requirement of having all legal systems represented. Moreover, within each treaty body the members with legal expertise amount to nearly half of the membership. The Human Rights Committee and the Committee on Enforced Disappearances are the two treaty bodies where legal expertise is prevalent and constant among members reaching in both Committees nearly 90% of membership.

At the same time, these two Committees lack expertise in social sciences and have little expertise in political sciences. With regard to these two areas of specialization, there are certain treaty bodies that gather both specializations, while other Committees would focus only on a particular area. For instance, the CESCR, CMW and the SPT have members from both areas of specialization. Discrepancies exist in the membership of the CEDAW, CRC and CRPD Committees. While these Committees have included members with expertise in social sciences, they have had no members with expertise in political sciences.

In addition to legal expertise, a number of treaties mention that other areas of expertise could be valuable, such as psychology, criminology, medicine, history, economics or finance. A detailed analysis of the background of each treaty body member on these areas of expertise was beyond the resources of this paper. Nonetheless, the research considered this aspect and collected such information under the category of technical expertise. The treaty bodies that included such expertise are the Subcommittee on Prevention of Torture (criminology, psychology and treatment of persons in psychiatric institutions), the Committee on Economic, Social and Cultural Rights (economics and finance), and the Committee on the Rights of Persons with Disabilities.

The analysis on the subject-matter expertise is complemented by an examination of the members' *professional background*. This part of the analysis also suffers from the limitation that it took into consideration the professional occupation of the members at the moment of their election.

While qualifications in legal studies were the prevalent subject-matter expertise, when it comes to professional background, more than half of the treaty body members have had an academic background. For instance, the proportion of academics in the Human Rights Committee has constantly been more than half of the body's membership. In 2014, however, it increased to 72% of the Committee's membership.

What remains a concern is the election of members with a professional background in the executive branch of their respective State. The analysis found that, on average, 44% of the treaty body membership is composed of experts with such professional experience. The highest number of experts fulfilling simultaneously an executive function is elected to the Committee on Migrant Workers. More than 80% of this Committee's members are Government representatives. The CERD and the CESCR Committees are also treaty bodies with high number of members coming from the executive branch.

The analysis of the evolution of the treaty body membership since 2012 outlines which and where the persistent shortcomings are. Gender imbalance, unequal geographic representation, prevalence of certain subject-matter expertise and presence of a high number of members coming from State executive branches remain the key problems in treaty body membership. These issues have been highlighted by the High Commissioner for Human Rights as well as in General Assembly Resolutions 66/254 and 68/268. The recommendations and solutions envisaged in those documents need to be backed-up by more consistent resolve and follow-up in the treaty body election processes as well as in the ongoing Treaty Body Review 2020.