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Promotion and protection of human rights: implementation of human rights instruments

Proposed programme budget for the biennium 2014-2015

Revised estimates relating to the proposed programme budget for the biennium 2014-2015 resulting from the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Report of the Secretary-General

Summary

The present report details additional budgetary requirements relating to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which, in accordance with article 18 of the Optional Protocol, enters into force three months after the date of the deposit with the Secretary-General of the tenth instrument of ratification or accession. As the tenth instrument was deposited on 5 February 2013, the Optional Protocol entered into force on 5 May 2013.

It is recalled that, in paragraph 24.22 of the proposed programme budget for the biennium 2014-2015 ([A/68/6 \(Sect. 24\)](#)), the Secretary-General informed the General Assembly that the Optional Protocol would enter into force after the tenth ratification or accession (at the time of the budget preparation there were only eight ratifications or accessions).

The Secretariat estimates that additional requirements to support activities relating to the Optional Protocol would be required in the amount of \$839,200 for the biennium 2014-2015 and proposes that the related appropriation be approved as a charge to the contingency fund. For the biennium 2016-2017, total estimated additional requirements of \$331,200 would be considered in the context of the proposed programme budget for the biennium 2016-2017.

* [A/68/150](#).



I. Introduction

1. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was adopted by the General Assembly in its resolution [63/117](#). Pursuant to article 18, the Optional Protocol enters into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession. As the tenth instrument was deposited on 5 February 2013, the Optional Protocol entered into force on 5 May 2013.

2. Following the entry into force of the Optional Protocol, the Committee on Economic, Social and Cultural Rights, established under Economic and Social Council resolution 1985/17, is also responsible for carrying out the functions provided for in the Optional Protocol.

3. As, under paragraphs (d), (e) and (g) of Economic and Social Council resolution 1985/17, the Secretary-General of the United Nations shall provide, from the United Nations resources, the necessary staff and facilities for the effective performance of the functions of the Committee, the financial implications of the expansion of the mandate of the Committee, relating to the Optional Protocol, are provided in the present report.

II. Additional activities arising from the entry into force of the Optional Protocol

4. The additional activities arising from the entry into force of the Optional Protocol relate to (a) programme 1, General Assembly and Economic and Social Council affairs and conference management, part B, Conference management, Geneva; (b) subprogramme 2, Supporting human rights treaty bodies, of programme 20, Human rights; and (c) subprogramme 4, Support services (Geneva), of part B, United Nations Office at Geneva, of programme 25, Management and support services, of the biennial programme plan for the period 2014-2015 ([A/67/6/Rev.1](#)). They also fall under section 2, General Assembly and Economic and Social Council affairs and conference management; section 24, Human rights; and section 29F, Administration, Geneva, of the proposed programme budget for the biennium 2014-2015.

5. The mandated activities, to be implemented under the terms of the Optional Protocol are described below:

(a) Individual communications:

(i) Under the Optional Protocol, the Committee is mandated to receive and consider communications submitted by or on behalf of individuals or groups of individuals and to transmit its views concerning such communications to the parties concerned. Equally, the Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement;

(ii) Paragraphs 2 and 3 of article 8 of the Optional Protocol provide that the Committee shall hold closed meetings when examining communications received under the Optional Protocol and that the Committee may consult relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international

organizations, including from regional human rights systems, and any observations or comments by the State party concerned;

(b) Inter-State communications:

(i) Article 10 of the Optional Protocol provides that a State party may declare that it recognizes the competence of the Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant;

(c) Inquiries:

(i) Article 11 stipulates that a State party may declare that it recognizes the competences of the Committee to conduct inquiries into grave and systematic violations of the Covenant. Where warranted, such inquiries may include a visit by the Committee to the territory of a State party;

(ii) Under article 11 of the Optional Protocol, the Committee may designate one or more of its members to conduct an inquiry, which may include a visit to the State party's territory. On the basis of experience with other similar procedures, it is estimated that each visit would be of at least one week's duration and be carried out by three Committee members, accompanied by three staff and four interpreters.

6. It is expected that the Committee would register approximately 15 communications and issue between 7 and 10 decisions on either admissibility or the merits. Within this period, the Committee may also conduct two inquiries, which would entail two field visits and two reports. Those outputs are additional to those, included under paragraph 24.70 (a) (vi) of subprogramme 2, Supporting human rights treaty bodies of section 24, Human rights, of the proposed programme budget for the biennium 2014-2015.

III. Resources available under the proposed programme budget for the biennium 2014-2015

7. While provisions have been made under sections 2, General Assembly and Economic and Social Council affairs and conference management, 24, Human rights, and 29 F, Administration, Geneva of the proposed programme budget for the biennium 2014-2015 for the servicing of the Committee on Economic, Social and Cultural Rights, such provisions did not include the requirements for the fulfilment by the Committee of its mandate under the Optional Protocol, as it had not yet entered into force by the time of submission of the proposed programme budget.

8. The existing provisions to support the activities of the Committee, included in the proposed programme budget for the biennium 2014-2015, amount to \$6,349,000 as follows: (a) conference-servicing requirements under section 2, General Assembly and Economic and Social Council affairs and conference management (\$4,177,400); (b) travel, per diem and terminal expenses of the 18 members of the Committee to attend its two annual regular sessions in Geneva (\$1,046,500); general temporary assistance to service the sessions of the Committee (\$29,600); and staff costs to provide technical services to the Committee consisting of three posts (1 P-4, 1 P-3 and 1 General Service (Other level)) (\$989,300) under section 24, Human rights; and (c) conference-support servicing requirements for sound technicians and

recurring general operating expenses under section 29F, Administration, Geneva (\$106,200).

IV. Additional requirements under the proposed programme budget for the biennium 2014-2015

9. The additional requirements that are enumerated in the tables below are new and not included in the proposed programme budget for the biennium 2014-2015. Hence, an additional appropriation will be required to cover these activities. Activities related to the biennium 2016-2017 will be taken into consideration during the preparation of the proposed programme budget for the biennium 2016-2017.

10. It is estimated that the consideration of communications under the Optional Protocol would take annually one week of the Committee's meeting time and would result in an additional conference-servicing workload, including annually: (a) interpretation in English and French for 10 meetings; (b) issuing of 144 pages of six pre-session documents in four languages (English, French, Russian and Spanish); (c) issuing of 20 pages of two in-session documents in four languages (English, French, Russian and Spanish); and (d) issuing of 96 pages of four post-session documents in the six official languages of the United Nations. In total, the estimated additional activities per biennium for the Division of Conference Management at the United Nations Office at Geneva would be interpretation services for 20 meetings and documentation services for 520 estimated standard pages.

11. During the biennium 2014-2015, it is expected that the Committee would begin to receive communications. The minimum secretariat support required at the outset to assist the Committee in carrying out its new functions would be one new P-4 post. This Professional position would assist the Committee in liaising with petitioners and States parties concerned; draft decisions and views under the individual communications procedure; follow-up on the implementation of the Committee's views; and prepare legal analyses and background documents. It would also assist the Committee with its inquiry procedure established by article 11 of the Optional Protocol, through the preparation of visits and the drafting of the Committee's observations and recommendations following such visit. As the volume of communications considered by the Committee is supposed to gradually increase, it is expected that an additional staff position at the P-3 level would be required in the biennium 2016-2017.

12. Under article 11 of the Optional Protocol, the Committee may designate one or more of its members to conduct an inquiry, which may include a visit to the State party's territory. On the basis of experience with other similar procedures, it is estimated that each visit would be of at least one week's duration and be carried out by three Committee members, accompanied by three staff and four interpreters. It is also assumed that two visits would be carried out in the biennium 2014-2015 with the related travel and per diem requirements.

A. Conference-servicing requirements

13. It is estimated that additional conference-servicing requirements of \$368,800 would arise under section 2, General Assembly and Economic and Social Council

affairs and conference management for the biennium 2014-2015. Table 1 below provides the details of these requirements.

Table 1

Sections 2 and 29F: conference-servicing requirements for the bienniums 2014-2015 and 2016-2017

(United States dollars)

	2014-2015 ^a		2016-2017 ^a	
	<i>Existing provisions</i>	<i>Additional requirements</i>	<i>Total requirements</i>	<i>Total requirements</i>
Section 2, General Assembly and Economic and Social Council affairs and conference management				
Interpretation	1 188 400	131 200	1 319 600	1 319 600
Pre-session documentation	1 603 000	106 400	1 709 400	1 709 400
In-session documentation	219 200	15 000	234 200	234 200
Summary records	685 600	–	685 600	685 600
Post-session documentation	377 000	108 600	485 600	485 600
Other conference services	104 200	7 600	111 800	111 800
Subtotal, section 2	4 177 400	368 800	4 546 200	4 546 200
Section 29F, Administration, Geneva				
Support service requirements	106 200	–	106 200	106 200
Subtotal, section 29F	106 200	–	106 200	106 200
Total	4 283 600	368 800	4 652 400	4 652 400

^a Proposed additional resources are recurrent and, once approved, would be included in the future proposed programme budgets.

B. Total requirements

14. It is also estimated that additional resources, including \$470,400 for the biennium 2014-2015 and \$331,200 for the biennium 2016-2017, would be needed to cover additional requirements under section 24, Human rights. This would bring total additional requirements, relating to the entering into force of the Optional Protocol, to \$839,200 for the biennium 2014-2015 and to \$331,200 for the biennium 2016-2017 as shown in table 2 below.

Table 2
**Sections 2, 24 and 29F: total requirements for the bienniums 2014-2015
 and 2016-2017**

(United States dollars)

	2014-2015 ^a			2016-2017 ^a	
	Existing provisions	Additional requirements	Total requirements	Additional requirements	Total requirements
Section 2, General Assembly and Economic and Social Council affairs and conference management					
Subtotal, section 2	4 177 400	368 800	4 546 200	–	4 546 200
Section 24, Human rights					
Staff (1 P-4, 1 P-3 and 1 General Service)	989 300	–	989 300	–	989 300
General temporary assistance	29 600	–	29 600	–	29 600
Travel of 18 members to the sessions	1 046 500	–	1 046 500	–	1 046 500
Staff (1 P-4) ^b	–	397 200	397 200	–	397 200
Staff (1 P-3) starting 2016 ^b	–	–	–	331 200	331 200
Travel of 3 members for 1 inquiry mission	–	30 000	30 000	–	30 000
Daily subsistence allowance for 3 members/1 week inquiry mission	–	14 700	14 700	–	14 700
Travel of 3 staff for 1 inquiry mission	–	18 000	18 000	–	18 000
Daily subsistence allowance for 3 staff/1 week inquiry mission	–	10 500	10 500	–	10 500
Subtotal, section 24	2 065 400	470 400	2 535 800	331 200	2 867 000
Section 29F, Administration, Geneva					
Subtotal, section 29F	106 200	–	106 200	–	106 200
Total	6 349 000	839 200	7 188 200	331 200	7 519 400

^a Proposed additional resources are recurrent and, once approved, would be included in the future proposed programme budgets.

^b As indicated in paragraph 38 of the introduction to the proposed programme budget for the biennium 2014-2015 (A/68/6 (Introduction)), a single vacancy rate of 8.3 per cent for Professional posts and 5.6 per cent for General Service posts is proposed in lieu of projected rates for continuing and new posts.

15. It is also estimated that the additional amount of \$38,200 would be required for the biennium 2014-2015, with regard to the establishment of a new P-4 post, under section 36, Staff assessment, to be offset by a corresponding amount under

income section 1, Income from staff assessment. For the biennium 2016-2017, the additional amount of \$30,400 would be required, with regard to a new P-3 post, under section 36, Staff assessment to be offset by corresponding amount under income section 1, Income from staff assessment.

V. Contingency fund

16. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under that procedure, if additional expenditures were proposed that exceed the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

17. It is not possible, at this stage, to identify activities within sections 2, 24 and 29F that could be terminated, deferred, curtailed or modified during the biennium 2014-2015 in order to meet the additional requirements of \$839,200.

VI. Conclusions and action required of the General Assembly

18. **The tenth ratification of the Optional Protocol gives rise to estimated additional requirements for the proposed programme budget for the biennium 2014-2015 in the amount of \$839,200, including \$368,800 under section 2, General Assembly and Economic and Social Council affairs and conference management; and \$470,400 under section 24, Human rights.**

19. **In addition, the amount of \$38,200 would be required for staff assessment under section 36, Staff assessment, offset by an equivalent amount under income section 1, Income from staff assessment, of the proposed programme budget for the biennium 2014-2015.**

20. **The General Assembly is requested:**

(a) **To approve additional appropriations, arising from entering into force of the Optional Protocol, in the amount of \$839,200, including \$368,800 under section 2, General Assembly and Economic and Social Council affairs and conference management; and \$470,400 under section 24, Human rights; of the proposed programme budget for the biennium 2014-2015, as a charge against the contingency fund;**

(b) **To approve the establishment of one new P-4 post under section 24, Human rights, effective 1 January 2014.**

21. **For the biennium 2016-2017, the estimated additional requirements of \$331,200, relating to the establishment of one P-3 post under section 24, Human rights, would be addressed in the context of the proposed programme budget for the biennium 2016-2017.**