



General Assembly

Distr.: General
14 December 2012

Original: English

Sixty-seventh session

Agenda item 130

Programme budget for the biennium 2012-2013

Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered an advance version of the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/607), which was submitted in accordance with the procedure approved in part V of General Assembly resolution 63/263. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification. **The Advisory Committee regrets the late submission of the report, which has a negative impact on the functioning of intergovernmental bodies.**

2. The total requirements arising from the 43 resolutions and decisions having financial implications adopted by the Human Rights Council at its three regular sessions amount to \$13,605,300 for the biennium 2012-2013 and \$985,400 to be considered in the context of the proposed programme budget for the biennium 2014-2015. The requirements for 2012-2013 include \$3,066,900 for activities of a perennial nature, for which provisions were made in the programme budget for the biennium 2012-2013; \$3,076,600, expected to be absorbed within the existing resources; and \$7,461,800 in additional requirements for the biennium 2012-2013.

3. The Secretary-General proposes to accommodate the additional requirements of \$7,461,800 for the biennium 2012-2013, including \$2,130,900 under section 2, General Assembly and Economic and Social Council affairs and conference management, \$5,317,200 under section 24, Human rights, and \$13,700 under section 29E, Administration, Geneva, from additional appropriations in the context of the contingency fund for the biennium 2012-2013. The annex to the report of the Secretary-General provides a summary, by each resolution and decision, of the requirements.



4. Upon enquiry, the Advisory Committee was informed that during the three regular sessions and the one special session held in 2012, the Human Rights Council adopted 95 resolutions, 33 decisions and three President's statements, as reflected in the report of the Human Rights Council (A/67/53 and Corr.1 and Add.1). The Council meets on a regular basis in Geneva throughout the year for a minimum of three regular sessions, for a total duration of no fewer than 10 weeks. The Council may also hold special sessions when needed, at the request of a member of the Council and with the support of one third of the members. The Committee was also informed that the special procedures mechanism under the Office of the United Nations High Commissioner for Human Rights (OHCHR) is currently composed of 48 mandates, including 36 thematic and 12 country mandates, with a total of 72 mandate holders, given that six working groups have five members each, and a Coordination Committee of six mandate holders. Since its establishment in 2006, the Council has created eight new thematic special procedures mandates, including on contemporary slavery, the right to water and sanitation, cultural rights, freedom of assembly, discrimination against women, transitional justice, the promotion of international order and the environment.

5. The Advisory Committee was informed that no mandates have been discontinued by the Human Rights Council in 2012; however, the mandate for an Independent Expert on the situation of human rights in Burundi under Human Rights Council resolution 16/34 expired in 2011, and the related provisions of \$159,900 included in the budget for the biennium 2012-2013 were used to cover some of the costs related to the fact-finding mission to the Occupied Palestinian Territory mandated under Council resolution 19/17.

General observations and recommendations

6. The Advisory Committee was informed, upon request, that resources for mandated activities have been budgeted in accordance with the criteria contained in the Secretary-General's report on the relationship between the treatment of perennial activities in the programme budget and the use of the contingency fund (A/C.5/52/42) and in the relevant report of the Advisory Committee (A/53/7/Add.9). The representatives of the Secretary-General stated that, in accordance with General Assembly resolution 41/213, provisions for activities whose mandates are renewed on an annual or longer basis are included in the proposed programme budget, and that approved budgetary resources for such perennial activities are utilized subject to the approval of their respective mandates.

7. According to the report, the Secretary-General will accommodate additional requirements in an amount of \$3,076,600 for the biennium 2012-2013 from within the resources appropriated for the biennium. The Advisory Committee was informed that in many instances, resource requirements for the implementation of new and extended mandates adopted by the Human Rights Council are absorbed within existing resources, provided that the respective resource requirements are relatively small and can be accommodated through redeployment. The Committee was also informed that, given the increasing number of Council mandates, which may not necessarily be matched by a commensurate increase in resources in the proposed programme budget, the ability to absorb new requirements from within existing resources has been significantly reduced. The Committee was provided with information on expenditure under section 24, Human rights, in respect of Council mandates for the biennium 2010-2011 and for the first 11 months of the biennium

2012-2013; however, this information did not contain a sufficient level of detail (see annex I). The Committee was also provided with a summary of additional requirements for general temporary assistance for new mandates (see annex II). **The Committee is of the view that the presentation of proposals for additional requirements for implementation of new mandates should include a clear analysis of actual expenditure in respect of similar activities and the current status of expenditure under the affected budget sections.**

8. The Advisory Committee notes that, as in previous reports on revised estimates for the Human Rights Council, the Secretary-General has put forward additional resource requirements related to Council resolutions and decisions that are relatively small amounts for activities of a short duration. It is indicated in the report that programme budget implications arising from the various resolutions adopted by the Council give rise to total requirements of \$13,700 under section 29E, Administration, Geneva, which are proposed to be financed from additional appropriations in the context of the contingency fund for the biennium 2012-2013. **The Advisory Committee reiterates its view that, before resorting to the contingency fund, the first option should be to explore if relatively small amounts for activities of a shorter duration could be absorbed from within the programme budget (see A/66/7/Add.20, para. 3). The Committee considers that the additional resources requested in the amount of \$13,700 under section 29E, Administration, Geneva, should be met from within existing resources.**

9. The Secretary-General's report indicates that the Council was informed that detailed resource requirements would be submitted to the General Assembly for its consideration and approval in the context of the report on revised estimates. That report, submitted annually, determines whether some of the additional requirements could be met from within the provisions of the programme budget for the biennium 2012-2013 and which of the additional requirements would be requested in the context of the contingency fund, established by the General Assembly in its resolutions 41/213 and 42/211 (see A/67/607, para. 2). The Advisory Committee notes that there is some lack of consistency in the approach of the Secretary-General in proposing to finance the additional requirements. For example, the Secretary-General proposes the amount of \$78,500 related to the implementation of resolution 19/20, on the role of good governance in the promotion and protection of human rights, to be financed in the context of the contingency fund, whereas, the Secretary-General proposes to absorb the additional requirement of \$73,600 for the implementation of resolution 19/33, on the enhancement of international cooperation in the field of human rights, from within existing resources. **The Advisory Committee considers that there is a need for a consistent approach and clear criteria in determining the financing of the revised estimates resulting from the resolutions and decisions of the Council, whether it be from additional appropriations through the contingency fund or from within existing resources.**

10. The Secretary-General's report indicates that in most of the resolutions adopted at its nineteenth, twentieth and twenty-first sessions, the Human Rights Council requested the Secretary-General and OHCHR to provide all the resources and assistance necessary for the effective fulfilment of the mandates and/or to implement some of the requested activities "within existing resources". In each related statement of programme budget implications, the attention of the Council was drawn to the provisions of section VI of General Assembly resolution 45/248 B and subsequent resolutions, the most recent of which is resolution 66/246, in which

the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee (see A/67/607, para. 6). The Committee has written extensively on the involvement of intergovernmental bodies in administrative and budgetary matters (see, inter alia, A/38/7/Add.16 and A/54/7). **The Advisory Committee notes with concern the continuing practice of substantive intergovernmental bodies in which they attempt to determine the method of financing of mandates to be approved in the context of substantive resolutions, in contravention of the provisions of General Assembly resolutions 41/213, 42/211 and 45/248 B and subsequent resolutions.**

Human Rights Council resolution 19/10

11. In relation to resolution 19/10, on human rights and the environment, one new post (P-3) and additional general temporary assistance resources are proposed, which amount to \$254,100 for the biennium 2012-2013. Upon enquiry, the Advisory Committee was informed that the staffing is required in order to support the activities of the mandate on a day-to-day basis and assist the Independent Expert in conducting basic and background information-gathering and research and analysis, in drafting correspondence and in organizing all his activities. The Committee was also informed that in the case of the new mandate, 18 months per year of staff support at the P-3 level, which comprises the one new P-3 post in addition to the general temporary assistance position at the P-3 level for a total of six months, is expected to be sufficient for substantive support in respect of the four separate aspects of the Independent Expert's mandate, comprising the preparation of thematic studies, the compilation of best practices, making recommendations on Millennium Development Goals and successor processes, and making substantive contributions to the follow-up to the United Nations Conference on Sustainable Development, in addition to the responsibilities for country missions and communications undertaken by all special procedures of the Human Rights Council. It was indicated to the Committee that the provision for consultancies ensures that the Independent Expert can receive specialized technical support when dealing with the full range of highly specialized technical subjects of relevance to his mandate, as no single expert, nor the proposed level of substantive support staff in this instance, can be expected to provide the full range of expertise required for a subject area as vast and complex as the human rights dimensions of all environmental issues. The Independent Expert will focus on more specific issues when preparing each of his thematic reports and recommendations. **The Advisory Committee has no objection to the Secretary-General's proposals.**

Human Rights Council resolution 19/11

12. In paragraph 19 of the Secretary-General's report, it is indicated that the adoption of resolution 19/11, on the rights of persons with disabilities: participation in political and public life, results in activities and related resource requirements of \$84,200, which include \$49,200 for consultancy at the P-3 level for one month to produce an accessible version of the study on the work and employment of persons with disabilities. The Advisory Committee was informed that the accessible version of the study would enable persons with learning disabilities to access the information in an easy-to-read format, on an equal basis with others. The Committee

recalls that the General Assembly, in its resolution 61/106, requested the Secretary-General to implement progressively standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account the relevant provisions of the Convention on the Rights of Persons with Disabilities. The Assembly, in its resolution 66/81 B, also called upon the Department of Public Information to continue to work towards compliance with accessibility requirements on all new and updated pages of the United Nations website, with the aim of ensuring its accessibility for persons with different kinds of disabilities. The Committee was informed that there is no resource provision to allow for website accessibility under section 24, Human rights, of the programme budget for the biennium 2012-2013, and it notes that the additional requirements are proposed to be sought through the contingency fund. **While acknowledging the need for rendering the study mandated under Human Rights Council resolution 19/11 accessible to persons with disabilities, the Advisory Committee recommends that the General Assembly request the Secretary-General to ensure that content on all United Nations websites is fully accessible to persons with disabilities, and to report thereon in the context of the proposed programme budget for the 2014-2015 biennium.**

Human Rights Council resolution 21/26

13. The Secretary-General's report indicates that under the terms of paragraphs 17, 18 and 22 of resolution 21/26, adopted by the Human Rights Council on 17 October 2012, the Council decided to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Council in its resolution S-17/1, adopted on 23 August 2011, and requested the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic at an interactive dialogue during the twenty-second session of the Council. The budgetary requirements for the implementation of resolution 21/26 include \$2,694,900 for general temporary assistance for a core secretariat to support the commission, including salaries and travel of 1 P-5 Coordinator, 15 P-3/P-4 officers (legal, investigative, analytical and archivist), 3 assistants and 5 seconded advisers on gender, child protection, the prevention of genocide and military matters. The proposed staffing additional to the previous mandate under resolution 19/22 comprises one Chief of Investigations, five additional investigators, two additional analysts, an archivist and three additional seconded experts (see A/67/607, para. 140). The Advisory Committee was informed, upon enquiry, that OHCHR has provided only partial support to the commission of inquiry, using an existing temporary staff member. The Committee was also informed that the proposed increase in staffing is necessitated by the dramatic increase in the number and gravity of incidents falling within the investigative mandate of the independent international commission of inquiry on the Syrian Arab Republic; however, the commission of inquiry has not been granted access to the territory of the Syrian Arab Republic and has focused its activities on the affected populations that have fled the country for the border regions in Jordan, Iraq, Lebanon and Turkey. It was indicated to the Committee that the requirement includes resources for eight investigators to be deployed in two teams, one in Jordan and one in Turkey, which are envisaged to travel elsewhere in the region as demanded by exigencies on the ground to collect information about violations, investigate crimes and incidents, interview victims and witnesses, assess the credibility of their sources and report on their findings. The Committee was

informed that the proposed staffing of the secretariat of the commission of inquiry includes one Analyst at the P-2 or P-3 level to undertake research and file and organize incoming materials, as well as one Archivist to ensure that all materials are appropriately archived at the close of the commission for future retrieval. **The Committee considers that the functions of the positions of Analyst and Archivist can be effectively combined and that the budgetary requirements of the commission of inquiry should be reduced accordingly.**

Panels of experts

14. The Secretary-General, in paragraphs 118 and 138 of his report, indicates that since the establishment of the Human Rights Council, its working methods have implied that every panel discussion requested in the Council's resolutions must include the participation of several experts on the subject matter under consideration to provide substantive input. The Advisory Committee was informed that such panels normally comprise five participants, commensurate with the number of regional groups, in order to ensure balanced geographic representation. The report indicates that the Council's adoption of resolution 21/13, on the panel discussion on the negative impact of corruption on the enjoyment of human rights, gives rise to additional requirements of \$56,200 for the convening, at its twenty-second session, from within existing resources, a panel discussion on the issue of the negative impact of corruption on the enjoyment of human rights (see A/67/607, para. 116). The report also indicates that the Council's adoption of resolution 21/24, on human rights and indigenous peoples, gives rise to additional requirements of \$21,000 for a half-day panel discussion, at its twenty-fourth session, on the World Conference on Indigenous Peoples (see A/67/607, para. 136). Provisions for the requested activities were not made in the programme budget for the biennium 2012-2013. **The Advisory Committee considers that the requirement of \$77,200 for the two panel discussions are relatively small amounts for activities of a short duration, and should therefore be absorbed from within existing resources (see para. 8 above).**

Conclusion and recommendation

15. **The actions to be taken by the General Assembly are set out in paragraphs 149, 150 and 151 of the report of the Secretary-General. Subject to its observations and recommendations made in paragraphs 8, 13 and 14 above, the Advisory Committee recommends the approval of the proposals of the Secretary-General.**

Annex I

Expenditure for Human Rights Council mandates under budget section 24

Human Rights Council geographic mandates under budget section 24, subprogramme 3

<i>Issued through</i>	<i>Title</i>	<i>Expenditure 2010-2011</i>	<i>Expenditure as at November 2012</i>
Commission on Human Rights resolution 1993/2	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	41 465	52 493
Commission on Human Rights resolution 1992/58	Special Rapporteur on the situation of human rights in Myanmar	144 885	79 456
Commission on Human Rights resolution 2004/13	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	145 905	68 213
Human Rights Council resolution 11/10	Independent Expert on the situation of human rights in the Sudan	81 226	17 393
Commission on Human Rights resolution 1993/6	Special Rapporteur on the situation of human rights in Cambodia	73 446	32 360
Commission on Human Rights resolution 1993/86	Independent Expert on the situation of human rights in Somalia	187 462	92 585
Commission on Human Rights resolution 1995/70	Independent Expert on the situation of human rights in Haiti	85 888	33 507
Commission on Human Rights resolution 2004/82	Independent Expert on the situation of human rights in Burundi (mandate expired under Human Rights Council resolution 16/34)	61 323	
Human Rights Council resolution 16/9	Special Rapporteur on the situation of human rights in the Islamic Republic of Iran	28 786	94 158
Human Rights Council resolution 17/21	Independent Expert on the situation of human rights in Côte d'Ivoire		121 703
Human Rights Council resolution 17/1	Special Rapporteur on the situation of human rights in the Syrian Arab Republic		
Human Rights Council resolution 20/3	Special Rapporteur on the situation of human rights in Belarus		8 890
Human Rights Council resolution 20/20	Special Rapporteur on the situation of human rights in Eritrea		8 950
Total		850 386	609 709

Human Rights Council mandates under budget section 24, subprogrammes 1 and 4

<i>Issued through</i>	<i>Title</i>	<i>Expenditure 2010-2011</i>	<i>Expenditure as at November 2012</i>
Commission on Human Rights resolution 2005/69 and Human Rights Council resolution 17/4	Special Representative of the Secretary-General/working group/forum on the issue of human rights and transnational corporations and other business enterprises	53 342	248 774
Commission on Human Rights resolution 2005/55	Independent Expert on human rights and international solidarity	26 745	111 787
Commission on Human Rights resolution 2001/24	Social Forum	28 453	40 720
Human Rights Council resolution 6/36	Expert Mechanism on the Rights of Indigenous Peoples	162 645	62 088
Human Rights Council resolution 9/3	Working Group on the Right to Development, terminated and not included in proposed programme budget for the biennium 2012-2013	63 914	
Human Rights Council resolution 15/26	Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	56 165	17 967
Commission on Human Rights resolution 2002/68 and General Assembly resolution 56/266	Working Group on People of African Descent/eminent experts	201 982	110 079
Commission on Human Rights resolution 1991/42	Working Group on Arbitrary Detention	491 779	125 617
Commission on Human Rights resolution 1980/20	Working Group on Enforced or Involuntary Disappearances	416 576	219 116
Commission on Human Rights resolution 2005/2	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	476 545	315 438
Commission on Human Rights resolution 1982/35	Special Rapporteur on extrajudicial, summary or arbitrary executions	113 815	67 269
Commission on Human Rights resolution 1985/33	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	319 307	117 598
Commission on Human Rights resolution 1986/20	Special Rapporteur on freedom of religion or belief	87 970	20 978
Commission on Human Rights resolution 1990/68	Special Rapporteur on the sale of children, child prostitution and child pornography	135 364	67 832
Commission on Human Rights resolution 1993/45	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	132 504	41 482
Commission on Human Rights resolution 1993/20	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	74 387	56 097
Commission on Human Rights resolution 1994/41	Special Rapporteur on the independence of judges and lawyers	189 284	102 101
Commission on Human Rights resolution 1994/45	Special Rapporteur on violence against women, its causes and consequences	272 966	126 857
Commission on Human Rights resolution 1995/81	Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	50 218	58 530

<i>Issued through</i>	<i>Title</i>	<i>Expenditure 2010-2011</i>	<i>Expenditure as at November 2012</i>
Commission on Human Rights resolution 1998/25	Special Rapporteur on extreme poverty and human rights	107 230	43 830
Commission on Human Rights resolution 1998/33	Special Rapporteur on the right to education	86 995	50 246
Commission on Human Rights resolution 1999/44	Special Rapporteur on the human rights of migrants	131 073	94 156
Commission on Human Rights resolution 2000/61	Special Rapporteur on the situation of human rights defenders	125 525	81 446
Commission on Human Rights resolution 2000/10	Special Rapporteur on the right to food	129 834	54 155
Commission on Human Rights resolution 2000/9	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context	158 160	93 417
Commission on Human Rights resolution 2000/82	Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	251 371	43 647
Commission on Human Rights resolution 2001/57	Special Rapporteur on the rights of indigenous peoples	211 964	101 800
Commission on Human Rights resolution 2002/31	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	102 691	169 457
Commission on Human Rights resolution 2004/110	Special Rapporteur on trafficking in persons, especially women and children	181 314	80 212
Commission on Human Rights resolution 2004/55	Representative of the Secretary-General on the human rights of internally displaced persons	95 443	40 618
Commission on Human Rights resolution 2005/80	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	83 303	25 312
Commission on Human Rights resolution 2005/79	Independent Expert on minority issues	113 833	30 091
Human Rights Council resolution 6/14	Special Rapporteur on contemporary forms of slavery, including its causes and consequences	133 110	61 893
Human Rights Council resolution 7/22	Special Rapporteur on the human right to safe drinking water and sanitation	135 775	93 376
Human Rights Council resolution 6/15	Forum on Minority Issues	127 787	29 316
Human Rights Council resolution 10/23	Special Rapporteur in the field of cultural rights	154 223	75 541
Human Rights Council resolution 15/21	Special Rapporteur on the rights to freedom of peaceful assembly and of association	11 847	63 825
Human Rights Council resolution 15/23	Working Group on the issue of discrimination against women in law and in practice	129 931	186 552
Human Rights Council resolution 18/7	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence		67 971

<i>Issued through</i>	<i>Title</i>	<i>Expenditure 2010-2011</i>	<i>Expenditure as at November 2012</i>
Human Rights Council resolution 18/6	Independent Expert on the promotion of a democratic and equitable international order		50 755
Human Rights Council resolution 19/10	Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment		7 658
	Total	5 825 372	3 455 603

Annex II

Proposed general temporary assistance requirements related to resolutions and decisions of the Human Rights Council in the biennium 2012-2103

<i>Human Rights Council resolution</i>	<i>Level</i>	<i>Duration (months)</i>	<i>Cost</i>	<i>Absorbed</i>	<i>Additional requirements</i>
19/6	P-3 and GS/OL	24 and 12	692.0	449.3	242.7
19/10	P-3 and GS/OL	6 and 6	162.0	—	162.0
19/12	P-3	12	184.5	184.5	—
19/22	11 staff	from 1 to 6	786.9	786.9	—
19/32	P-3 and GS/OL	6 and 6	161.2	—	161.2
19/33	P-3 and GS/OL	6 and 6	161.2	161.2	—
20/1	P-3	24	369.0	—	369.0
20/11	P-3	4	61.6	—	61.6
20/13	P-3	12	184.5	—	184.5
20/15	P-3	6	92.4	—	92.4
20/19	P-3	12	184.5	184.5	—
20/20	P-3	12	184.5	—	184.5
21/19	P-3 and GS/OL	4 and 6	108.1	—	108.1
21/21	P-4	2	36.8	—	36.8
21/26	18 staff	from 1 to 6	1 789.1	—	1 789.1
Total			5 158.3	1 766.4	3 391.9