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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS
INSTRUMENTS

Effective implementation of international instruments on
human rights, including reporting obligations under
international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the sixth meeting of persons chairing the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178 of 23 December 1994.

ANNEX

Report of the sixth meeting of persons chairing the
human rights treaty bodies

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the problems relating to the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights. Those problems have also received careful attention during the various sessions of the treaty bodies, at some of the meetings of States parties and at meetings of other organs such as the Economic and Social Council and the Commission on Human Rights.

2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened the first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). The second, third, fourth and fifth meetings were convened by the Secretary-General in October 1988, October 1990, October 1992 and September 1994. The reports of those meetings were presented to the Assembly at its forty-fourth, forty-fifth, forty-seventh and forty-ninth sessions (in the annexes of documents A/44/98, A/45/636, A/47/628 and A/49/537, respectively).

3. In its resolution 49/178 of 23 December 1994, the General Assembly welcomed the submission of the report of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994, and took note of the conclusions and recommendations in the report; welcomed the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures; requested that the Secretary-General take the appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations; and decided to continue giving priority consideration, at its fiftieth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions". The Commission on Human Rights, in its resolution 1995/92, welcomed the request by the General Assembly to the Secretary-General to take appropriate steps to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from available resources of the regular budget of the United Nations.

4. The sixth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 49/178.

II. ORGANIZATION OF THE MEETING

5. The meeting was held at the United Nations Office at Geneva from 18 to 22 September 1995. The following representatives of the human rights treaty bodies attended: Mr. Philip Alston (Chairperson, Committee on Economic, Social and Cultural Rights), Ms. Akila Belembaogo (Chairperson, Committee on the Rights of the Child), Ms. Ivanka Corti (Chairperson, Committee on the Elimination of Discrimination against Women), Mr. Alexis Dipanda-Mouelle (Chairperson, Committee against Torture), Mr. Omran El Shafei (Vice-Chairperson, Human Rights Committee) and Mr. Ivan Garvalov (Chairperson, Committee on the Elimination of Racial Discrimination).

6. Representatives of the following United Nations bodies and specialized agencies attended the meeting: the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO). The Council of Europe was represented by the President of the European Commission on Human Rights and a judge of the European Court of Human Rights. The Latin American Institute for the Prevention of Crime and the Treatment of Offenders was also represented. In addition, representatives of the following non-governmental organizations attended: American Association for the Advancement of Science, Amnesty International, Article 19, Association for the Prevention of Torture, Baha'i International Community, International Commission of Jurists, International Women's Rights Action Watch, NGO Group on the Convention of the Rights of the Child, World Organization against Torture/SOS Torture.

7. The agenda for the meeting was as follows:

1. Opening of the meeting.
2. Election of the officers of the meeting.
3. Adoption of the agenda.
4. Organizational and other matters.
5. Review of recent developments relating to the work of the treaty bodies.
6. Improving the operation of the human rights treaty bodies.
7. Gender perspectives in the work of the treaty bodies.
8. Prevention of human rights violations, including early warning and urgent procedures.
9. Assistance to States in implementing Committee recommendations.
10. Adoption of the report.

8. The following documentation was made available to the participants:

- (a) Provisional agenda and annotations (HRI/MC/1995/1);
- (b) Report of the Secretary-General on improving the operation of the human rights treaty bodies (HRI/MC/1995/2);
- (c) Report of the Secretary-General on the status of the international instruments and the general situation of overdue reports (HRI/MC/1994/3);
- (d) Reports of the fourth and fifth meetings of persons chairing the human rights treaty bodies (A/47/628, annex and A/49/537, annex);
- (e) Report by the Committee on the Elimination of Discrimination against Women to the Fourth World Conference on Women (A/CONF.177/7);
- (f) Report of the Main Committee containing the draft Platform for Action of the Fourth World Conference on Women (A/CONF.177/L.5 and addenda and corrigenda);
- (g) Interim report on the updated study by the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty regime (A/CONF.157/PC/62/Add.11/Rev.1);
- (h) Vienna statement of the international human rights treaty bodies (A/CONF.157/TBB/4 and Add.1);
- (i) Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III);
- (j) Compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1/Rev.1);
- (k) Preparation of a plan of action for a United Nations decade for human rights education: report of the Secretary-General (A/49/261 and Add.1-E/1994/110 and Add.1);
- (l) Report of an expert group meeting on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes, held at Geneva from 3 to 7 July 1995 (to be issued as a United Nations document);
- (m) General Assembly resolution 49/178;
- (n) Commission on Human Rights resolutions 1995/18, 1995/22, 1995/80 and 1995/92.

9. The following informal working documents were also made available to the participants:

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- (a) Recommendations for advisory services and technical assistance by treaty bodies: compilation prepared by the Secretariat;
- (b) Actions being taken regarding recommendations made by treaty bodies for advisory services and technical assistance in the field of human rights: compilation prepared by the Secretariat;
- (c) Status of the international human rights instruments: compilation prepared by the Secretariat;
- (d) Status of State party reports to be submitted to the principal international human rights instruments: compilation prepared by the Secretariat;
- (e) Incorporation of a gender perspective into the work of the United Nations human rights regime: working paper prepared by the Secretariat;
- (f) Recommendations on human rights education: note by the Independent Commission on Human Rights Education.

10. The meeting was opened by Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights, who addressed the chairpersons. On 21 September 1995, Mr. Jose Ayala-Lasso, the United Nations High Commissioner for Human Rights, addressed the meeting.

11. Ms. Akila Belembaogo was elected Chairperson-Rapporteur of the meeting.

12. On 22 September 1995, the chairpersons considered the draft report of their sixth meeting. The report, as amended during the course of the meeting, was adopted unanimously by the chairpersons.

III. REVIEW OF DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES

13. Under this agenda item, the chairpersons provided information on recent activities of the treaty bodies they represented. Among other developments, the chairpersons referred to their meeting with the Secretary-General on 19 June 1995 and expressed satisfaction regarding its outcome.

14. Regarding State party reports, it was noted that improvements had been seen in the quality of a number of reports submitted as well as in the methods for the formulation of concluding observations adopted by the treaty bodies following their consideration of those reports. It was also noted that, due to the increasing workload facing the treaty bodies, requests for additional meeting time had been made to the General Assembly by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. The Chairperson of the Committee on the Rights of the Child informed the other chairpersons that increased meeting time for the Committee on the Rights of the Child had been approved by the General Assembly in December 1994.

15. The chairpersons discussed developments in the working methods of the treaty bodies to monitor the implementation of their respective treaties by States parties. It was noted that the Committee on the Elimination of Racial Discrimination has had success in encouraging States parties to comply with their reporting obligations through the procedure developed by the Committee to examine the situations in States whose reports were seriously overdue. It was also reported that the Committee on Economic, Social and Cultural Rights had recently begun to examine, on the basis of all available information, the implementation of the International Covenant on Economic, Social and Cultural Rights in States parties that had submitted no reports to the Committee. Participants were also informed that as from 1995, UNICEF, after consultation with the Committee on the Rights of the Child, would make public the extent of compliance with the Convention on the Rights of the Child by States parties in a special chapter of its annual report entitled "The progress of nations".

16. The chairpersons unanimously affirmed the important role of non-governmental organizations in the monitoring function of the treaty bodies. Several chairpersons also reported strengthened cooperation and improved exchanges of information with specialized agencies and various special rapporteurs of the Commission on Human Rights.

IV. SUGGESTIONS AND RECOMMENDATIONS

Improving the operation of the human rights treaty bodies

17. Promotion of the international human rights instruments. The chairpersons welcome the ongoing efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to promote universal ratification of international human rights instruments and, in particular, the preparations for the holding of regional conferences to promote ratification and the drafting of a major study on the matter. They recommend that States which are considering ratification avoid making it subject to wide reservations. The chairpersons deplore the recent increase in the number and breadth of reservations made upon ratification of certain instruments and observe that the practice undermines the spirit and the letter of these legal texts. In this regard they both welcome and endorse the Human Rights Committee's General Comment 24 on the matter. The chairpersons also welcome the initiative of the Secretary-General, pursuant to the Vienna Declaration and Programme of Action, in proposing the preparation of a major study on the extent of reservations and on strategies to promote their withdrawal.

18. The chairpersons have noted with satisfaction the important role played by UNICEF in the promotion of universal ratification of the Convention on the Rights of the Child. They recommend that specialized agencies and international organizations should consider carrying out similar activities with regard to international human rights instruments and they look forward to exploring modalities for such action at their seventh meeting. They recommend that at that meeting a dialogue take place with senior officials of key organizations and agencies, to include, inter alia, the United Nations Development Programme.

19. The chairpersons suggest that those States which have not yet ratified the principal human rights instruments be given assurances that, in case of need, they will be provided with appropriate advisory services in relation to their reporting and other obligations once they become parties to the instruments.

20. The chairpersons draw attention to the importance of the human rights treaty bodies contributing fully to the achievement of the Plan of Action for the United Nations Decade for Human Rights Education. Accordingly, they recommend that each treaty body, in its examination of State Party reports, assiduously investigate compliance by States parties with the extensive obligations regarding education and the provision of public information on human rights in general and concerning the human rights instruments and the proceedings of the treaty bodies in particular. Treaty bodies should, inter alia, inquire as to whether instruments have been translated and disseminated in local languages and whether States parties have put in place satisfactory human rights training programmes for all relevant categories of public officials. The chairpersons also recommend that treaty bodies both further elaborate relevant reporting guidelines or general comments and recommendations, and offer to individual States concrete suggestions and advice on the implementation of the obligations they have assumed regarding education and the provision of public information.

21. Reporting. The chairpersons note with regret that the problems of overdue reports and of severe backlogs in the consideration of reports persist in most of the treaty bodies. They welcome the initiatives taken by various treaty bodies to respond to these problems but warn against solutions resulting in excessively abbreviated or summary consideration of the situation in the respective countries.

22. External relations of treaty bodies. The chairpersons note the failure to involve the treaty bodies, in an appropriate manner, in either the preparations for or the formal negotiations of United Nations world conferences. A recent case in point was the non-involvement of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child in the preparations for and the negotiations of the recent Fourth World Conference on Women, held in Beijing in September 1995. They request the Secretary-General to provide the seventh meeting of chairpersons with a study which proposes ways and means of establishing an appropriate sui generis status for the treaty bodies in the United Nations system. Such a status would clearly distinguish the treaty bodies from intergovernmental and non-governmental organizations and would enable them to play a full role, befitting their importance, within all future international conferences and vis-à-vis the organs of the United Nations system. They urge the General Assembly to ensure that the relevant treaty bodies will be invited to be fully involved in the ongoing preparations for the forthcoming Habitat II conference and other international conferences dealing with human rights.

23. The chairpersons reiterate the central role which non-governmental organizations play in providing reliable information necessary to the conduct of treaty body activities and recommend that the Secretariat facilitate the exchange of information between treaty bodies and such organizations. The Secretariat is requested to develop a database of national institutions for the

promotion and protection of human rights and of nationally based non-governmental organizations which should be informed of the scheduled consideration of any reports of the country concerned by the treaty bodies. In addition, the Secretariat is requested to issue twice a year, taking account of the exigencies of the various committees, an integrated schedule of all reports expected to be considered by all of the treaty bodies during the relevant period. Such a list should include all appropriate caveats as to possible changes occurring in the schedule.

24. The chairpersons recommend that the human rights treaty bodies take increased cognizance of the related activities of regional human rights mechanisms. In particular, they recommend that modalities of cooperation and of exchange of information be explored by the respective secretariats and that existing databases on the jurisprudence of regional human rights regimes interface with databases to be developed by the United Nations for the human rights treaty bodies. The chairpersons recommend that regional bodies continue to be invited to attend all future meetings of the chairpersons.

25. The chairpersons recommend that human rights treaty bodies increase their cooperation and exchange of information with United Nations non-conventional human rights bodies and mechanisms. The chairpersons suggest that they meet regularly with the chairperson and other officers of the Commission on Human Rights and the Sub-commission on Prevention of Discrimination and Protection of Minorities in order to discuss matters of mutual concern and to further develop strategies for cooperation. Modalities for participation by the chairpersons or their representatives in the annual meetings of the special rapporteurs should be explored.

26. Furthermore, the chairpersons expressed the view that it would be extremely valuable if their meetings with the Secretary-General were to be held on an annual basis.

27. The chairpersons welcome the increased participation of United Nations specialized agencies in the work of some of the human rights treaty bodies, though they observe that there remains considerable potential for an enhancement of such cooperation. The chairpersons recommend that at their seventh meeting they include this matter in their envisaged exchange of views with specialized agencies and United Nations bodies and that high-level officials of the bodies and agencies, including especially the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, be invited to participate, on a specific date to be notified well in advance, in order to ensure that concrete proposals might be discussed and appropriate arrangements entered into. In advance of that meeting human rights treaty bodies are invited to reflect on and to indicate the optimal models for cooperation with United Nations bodies and specialized agencies.

28. Secretariat support. While welcoming the efforts made by the Centre for Human Rights to ensure adequate funding for the treaty bodies, the chairpersons recommend that the General Assembly consider providing each treaty body with a

budget, to be dispensed from with the approval of the United Nations High Commissioner for Human Rights, for the contracting of special studies, the undertaking of essential missions and other matters associated with their mandates. They are of the view that this initiative would result in economic efficiencies and improve accountability of expenditure.

29. The chairpersons welcome the ongoing support provided to them by the Centre for Human Rights and they acknowledge the range of servicing initiatives which continue to be taken within existing resources. The chairpersons welcome the indication provided by the Secretariat that the country-specific and other information available to each of the treaty bodies will in the future be maintained in an integrated fashion. They emphasize the need to develop the fullest possible databases in this regard and to ensure the ready accessibility of the collection to members of the treaty bodies. The chairpersons, however, express their deep concern at the continuing massive under-resourcing of the Centre for Human Rights which prevents the human rights treaty bodies from adequately carrying out their mandates. Among the persistent problems are under-staffing of the treaty body secretariats, lack of technical expertise and inadequate administrative support.

30. The chairpersons recommend that the General Assembly, the Secretary-General and the United Nations High Commissioner for Human Rights consider the adverse impact upon the reputation of the work and public image of the United Nations that results from the persistent failure to address adequately the problems referred to above. In this regard, during the fiftieth anniversary year of the United Nations, the chairpersons strenuously urge that the work of human rights be restored, in effective practical terms, to the central role in the United Nations which was envisaged for it in the Charter.

31. The chairpersons declare their conviction as to the importance of the integration of the Committee on the Elimination of Discrimination against Women into the mainstream of United Nations system-wide activity through its relocation to the Centre for Human Rights, as they have already stated at their fifth meeting. They accordingly welcome decision 14/II of January 1995 of the Committee on the Elimination of Discrimination against Women which requests the Secretary-General to locate it at Geneva with servicing provided by the Centre. The chairpersons also welcome the Secretary-General's agreement, in principle, to the transfer to the Centre of the responsibility for both the substantive and technical servicing of the Committee, while maintaining a close working relationship with the Division for the Advancement of Women. The chairpersons also note with satisfaction the proposed amendment to article 20 of the Convention on the Elimination of All Forms of Discrimination against Women adopted on 22 May 1995 by the States parties to the Convention, though they express concern regarding the present procedure for ratification which may lead to inordinate delays. The chairpersons recommend that the General Assembly approve this amendment at its fiftieth session.

32. The chairpersons note the slight progress which has been made with regard to the development of appropriate databases and on-line information services at the Centre for Human Rights. They recommend that work proceed speedily and with full regard for the importance of making provision for an efficient flow of information. They urge that arrangements currently under way be assured and

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that any necessary exemptions from possible expenditure freezes be authorized. They also recommend that future appeals to Governments for funds be rendered more persuasive through the inclusion of detailed information on the manner in which the funds would be deployed.

33. The chairpersons reiterate their long-standing request that office facilities at the Centre for Human Rights be set aside for use by the 97 members of the various treaty bodies when they are in Geneva.

Gender perspectives in the work of the treaty bodies

34. The chairpersons endorse the following recommendations proposed by an expert group on the integration of gender perspectives into United Nations human rights activities and programmes, which met at Geneva from 3 to 7 July 1995, in line with the recommendations of the Vienna Declaration and Programme of Action:

(a) The treaty bodies shall fully integrate gender perspectives into their presessional and sessional working methods, including identification of issues and preparation of questions for country reviews, general comments, general recommendations, and concluding observations. In particular, the treaty bodies should consider the gender implications of each issue discussed under each of the articles of the respective instruments;

(b) Guidelines for the preparation of reports by States parties should be amended to reflect the necessity of providing specific information on the human rights of women for consideration by the respective committees;

(c) In undertaking investigative procedures, the treaty bodies should make special efforts to elicit information about the situation of women in the area of inquiry;

(d) Treaty bodies should consistently request gender-disaggregated data from States parties and from United Nations specialized agencies and use the data in reviewing country reports;

(e) The treaty bodies should make every effort to exchange information on progress, developments and situations concerning the human rights of women;

(f) In preparing reports of the treaty body sessions, attention should be paid to the use of gender-inclusive language wherever possible.

35. The chairpersons recommend that each treaty body consider how it might most effectively incorporate these proposals into its work practices. The respective chairpersons undertake to report to the seventh meeting of chairpersons on progress made in this regard.

Prevention of human rights violations, including early warning and urgent procedures

36. The chairpersons reiterate that the promotion and protection of all human rights and fundamental freedoms is, as declared in the Vienna Declaration and Programme of Action, a priority objective of the United Nations. In this

regard, the chairpersons encourage treaty bodies to continue their efforts to develop mechanisms for the prevention of gross human rights violations, including early warning and urgent procedures. They consider that coordinated action by human rights treaty bodies in this regard would increase their effectiveness. To this end, they suggest that any action undertaken by one of the treaty bodies be immediately brought to the attention of the other treaty bodies.

37. The chairpersons recommend that treaty bodies increasingly consult United Nations organs and bodies, including special rapporteurs of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, exchanging information and utilizing existing expertise in order to detect and respond appropriately to situations of massive violations of human rights.

Assistance to States in implementing committee recommendations

38. The chairpersons reiterate the importance of appropriate action being taken by relevant United Nations bodies to assist States, through the provision of technical assistance, in implementing recommendations made by treaty bodies. The commitment indicated in this regard by representatives of specialized agencies and organizations participating in the meeting of chairpersons is welcomed and the chairpersons recommend that they, together with the secretariats of the treaty bodies, give priority attention to the development of ongoing programmes in this regard.

39. The potentially important role of the United Nations High Commissioner for Human Rights and the Centre for Human Rights in the implementation of technical assistance recommendations by the treaty bodies is acknowledged. The chairpersons recommend that the High Commissioner and the Centre pay increased attention to such proposals in the advisory services and technical assistance programmes of the Centre.

40. With a view to improving coordination and effectiveness in the human rights activities of the United Nations, the chairpersons recommend that all programmes of human rights technical assistance be planned and implemented with the full cooperation and collaboration of all relevant parties, especially those which benefit from a presence in the country concerned. The chairpersons, for their part, will ensure that the treaty bodies will consult widely in considering recommendations for technical assistance to States parties.
