



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/2005/32  
25 May 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-seventh session  
Item 6 of the provisional agenda

**SPECIFIC HUMAN RIGHTS ISSUES**

**Note by the Secretary-General**

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 2004 and 1 June 2005 in fields with which the Sub-Commission has been previously concerned.

**I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS**

2. As at 3 May 2005, 151 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 154 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights, 104 States had ratified or acceded to the Optional Protocol to the latter Covenant and 54 States had ratified or acceded to the Second Optional Protocol aiming at the abolition of the death penalty. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 48 States had made the declaration envisaged under that provision of the Covenant.

**Human Rights Committee**

3. At its eighty-first, eighty-second and eighty-third sessions, held in July and October/November 2004 and March-April 2005, respectively, the Committee considered 14 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights, as well as one country situation in the absence of a report. At the end of the eighty-first session, in conformity with rule 70 of its revised rules of procedures, the Committee decided to convert provisional concluding observations on the country situations of two States parties (previously considered in the absence of a report) into final and public ones.

4. At the three sessions, the Committee also adopted 38 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 1 decision declaring complaints admissible and 25 decisions declaring complaints inadmissible. Nine cases were discontinued.

5. A report on the Committee's seventy-ninth to eighty-first sessions was submitted to the General Assembly at its fifty-ninth session (A/59/40) and a report on its eighty-second to eighty-fourth sessions will be submitted to the General Assembly following the Committee's eighty-fourth session in July/August 2005.

### **Committee on Economic, Social and Cultural Rights**

6. At its thirty-third and thirty-fourth sessions, held in November 2004 and April-May 2005, respectively, the Committee on Economic, Social and Cultural Rights (CESCR) considered reports submitted by nine States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The Committee subsequently adopted its concluding observations thereon.

7. The Committee, at its thirty-third and thirty-fourth sessions, addressed a number of substantive issues. As follow-up to its day of general discussion on the right to work (thirty-first session, 2003), the Committee continued its consideration of a draft general comment on the right to work (article 6 of the Covenant). The Committee also continued its discussion of a draft general comment on article 3 of the Covenant (the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant). The Committee at its November 2004 session began its consideration of a draft general comment on article 15 (c) of the Covenant (the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author).

8. On 15 November 2004, members of the Committee met with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the open-ended working group to consider options regarding the elaboration of an optional protocol to the Covenant. The Committee was informed of the status of preparations for the second meeting of the working group, due to be held on 10 to 21 January 2005, and the modalities of cooperation between the Committee and the working group were discussed. The Committee, in response to the Commission on Human Rights resolution 2004/29 in which it invited a representative of the Committee to attend meetings of the working group as a resource person (para. 14 (c)), Mr. E. Riedel represented the Committee at the second meeting of that working group. Mr. G. Malinverni was designated as alternate for this purpose. On 10 May 2005, the Committee held a meeting with States parties to the Covenant. The principal issue discussed at that meeting was the draft optional protocol to the Covenant.

9. On 25 November 2004, the Committee held a meeting with members of the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations. This was the second meeting between the two Committees (the first meeting

was held in November 2003) with the aim of strengthening cooperation between the two treaty monitoring bodies. Main issues discussed were complementarities between treaty monitoring under the Covenant and International Labour Organization Conventions and follow-up to the Committee's concluding observations at national level within the framework of the Action 2 Programme.

10. During the period of the thirty-fourth session of the Committee, on 2 May 2005, the United Nations Educational, Cultural and Scientific Organization (UNESCO) Committee on Conventions and Recommendations/CESCR Joint Expert Group on the Monitoring of the right to education held its third meeting in Paris, at UNESCO Headquarters. It was decided that the fourth meeting of the UNESCO/CESCR Joint Expert Group on the right to education would be held in Geneva in 2006.

11. The report of the Committee on Economic, Social and Cultural Rights on its thirty-second and thirty-third sessions (E/2005/22) will be before the Economic and Social Council at its substantive session of 2005.

## **II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

12. As at 6 May 2005, 170 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. Forty-five States parties had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of violation by those States parties of any of the rights set forth in the Convention.

### **Committee on the Elimination of Racial Discrimination**

13. During its sixty-fifth and sixty-sixth sessions, held in August 2004 and February-March 2005, respectively, the Committee considered reports submitted by 15 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in one State party whose reports were seriously overdue, and adopted four decisions under its early warning and urgent action procedure.

14. At its sixty-fifth session, the Committee appointed a Coordinator mandated to monitor follow-up by States parties to the observations and recommendations of the Committee, and at its sixty-sixth session, it adopted terms of reference for the mandate of the Coordinator.

15. At the two sessions, the Committee also examined communications from individuals and groups of individuals under article 14 of the Convention. It adopted two decisions declaring a complaint admissible and two decisions declaring a complaint inadmissible. The Committee also adopted one opinion on the merits of a case in which it found that various provisions of the Convention had been violated.

16. At its sixty-fifth session, the Committee adopted general recommendation XXX on discrimination against non-citizens.

17. At its sixty-sixth session, the Committee held a thematic discussion on the prevention of genocide in which Mr. Juan Méndez, Special Adviser of the Secretary-General on the Prevention of Genocide, took part. Representatives of States parties, independent experts, specialized agencies and other competent bodies, including non-governmental organizations, also contributed to the discussion. At the end of the sixty-sixth session, the Committee adopted a statement on the Prevention of Genocide.

18. The Committee submitted the report on its sixty-fourth and sixty-fifth sessions to the General Assembly at its fifty-ninth session (A/59/18), and the report on its sixty-sixth and sixty-seventh sessions will be submitted to the General Assembly at its sixtieth session (A/60/18) following the Committee's sixty-seventh session.

### **III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

19. As at 1 May 2005, the Convention had been ratified or acceded to by 139 States.

#### **Committee against Torture**

20. The Committee against Torture submitted a report on its thirty-first and thirty-second sessions to the General Assembly at its fifty-ninth session (A/59/44). At its thirty-third and thirty-fourth sessions, held in November 2004 and May 2005, respectively, the Committee considered 10 reports submitted by States parties under article 19 of the Convention. It also continued in closed meeting its activities under articles 20 (inquiries) and 22 (individual communications) of the Convention. Furthermore, at its thirty-third and thirty-fourth sessions, the Committee considered a total of 25 communications. It took decisions to declare three communications inadmissible. Ten cases were discontinued. In addition, the Committee adopted views in respect of 12 communications. Information on the Committee's thirty-third and thirty-fourth sessions will be contained in the annual report to the General Assembly at its sixtieth session.

### **IV. CONVENTION ON THE RIGHTS OF THE CHILD**

21. As at 5 May 2005, the Convention on the Rights of the Child had been ratified or acceded to by 192 States. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified by 97 States parties, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by 95 States.

22. At its fifty-ninth session, the General Assembly decided to allow the Committee on the Rights of the Child to meet in two parallel chambers on a temporary basis during 2006 (resolution 59/261, para. 9) in order to enable it to decrease the existing backlog of reports.

23. At its thirty-seventh, thirty-eighth and thirty-ninth sessions, held in September/October 2004, January 2005 and May/June 2005, respectively, the Committee on the Rights of the Child considered 9 initial, 11 second periodic and 7 third periodic reports

submitted under article 44 of the Convention on the Rights of the Child. It also considered one report under the Optional Protocol to the Convention on the involvement of children in armed conflict and one under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

24. At its thirty-seventh session, the Committee held a discussion day on the theme “Implementing child rights in early childhood”. Representatives of States parties, United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, contributed to the discussion and provided expert advice. As an outcome of the meeting, the Committee adopted a set of recommendations (see CRC/C/143).

25. During the reporting period, the Committee adopted one general comment (No. 6) on “Treatment of unaccompanied and separated children outside of their country of origin”.

## **V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS**

### **Meeting of chairpersons of human rights treaty bodies**

26. The chairpersons of the human rights treaty bodies held their 16th annual meeting from 23 to 25 June 2004 at the United Nations Office at Geneva. The principal topic of discussion was proposed harmonized guidelines on reporting to all treaty bodies, including guidelines on an expanded core document and treaty-specific targeted reports (HRI/MC/2004/3). The report of the meeting, containing the suggestions and recommendations of the chairpersons, was issued as a document of the General Assembly at its fifty-ninth session (A/59/254).

27. The 17th annual meeting will be held from 23 to 24 June 2005 at Geneva. The Chairperson of the Sub-Commission has, once again, been invited to present recent developments in the work of the Sub-Commission that are relevant to the work of the treaty bodies and to discuss possible areas of cooperation. The chairpersons will also hold discussions with representatives of States parties and with the Expanded Bureau of the sixty-first session of the Commission on Human Rights. The sixth joint meeting with the mandate-holders of special procedures of the Commission on Human Rights will focus on human security. The report of the 17th Annual Meeting of the chairpersons of the human rights treaty bodies will be submitted to the General Assembly at its sixtieth session.

### **Inter-committee meeting**

28. The third inter-committee meeting was held from 21 to 22 June 2004 at the United Nations Office at Geneva. Each committee was represented, as far as possible, by its chairperson and two other members. The meeting was held pursuant to a recommendation of the chairpersons of the human rights treaty bodies during their 13th meeting in June 2001 to hold a

meeting to consider the subject of methods of work and reservations to the human rights treaties. The third meeting discussed these issues, as well as the draft harmonized reporting guidelines, and its recommendations are contained in the report of the meeting (A/59/254, annex).

29. The fourth inter-committee meeting will be held in Geneva from 20 to 22 June 2005. Discussion will continue on the draft harmonized guidelines for reporting under the main international human rights treaties, including guidelines on an expanded core document and treaty-specific targeted reports, as well as the implementation of recommendations of the third inter-committee meeting. Participants will also meet with representatives of United Nations agencies, funds and programmes and other entities, national human rights institutions and non-governmental organizations.

## **VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES**

30. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 on 18 December 1990 and entered into force on 1 July 2003. As of 1 May 2005, 29 States parties have ratified the Convention. Since the last report, Algeria, Chile, the Libyan Arab Jamahiriya and Turkey ratified or acceded to the Convention.

31. In its resolution 59/262, the General Assembly once again called upon all Member States that had not yet become a party to the Convention to consider urgently signing and ratifying or acceding to it.

32. At its second session, from 25 to 29 April 2005, the Committee formally adopted provisional guidelines for the submission of initial reports by States parties, which it had discussed during informal meetings in October 2004. It also held a meeting with States parties to discuss the modalities of reporting. It further met with specialized agencies, organs of the United Nations, intergovernmental organizations and non-governmental organizations. The Committee further agreed to its methods of work when examining States parties reports. The Committee also decided that it will hold a General Day of Discussion at its third session in December on the topic: "Protecting the rights of all migrant workers as a tool to enhance development". Discussing this topic will allow the Committee to make a contribution to the High Level Dialogue of the General Assembly in 2006 devoted to international migration and development and highlight the human rights approach to migration and development.

33. The third session of the Committee will take place from 12 to 16 December 2005.

-----