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Seventeenth meeting of chairpersons  
of the human rights treaty bodies  
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Fourth Inter-Committee Meeting  
of the human rights treaty bodies  
Geneva, 20-22 June 2005

**REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS  
OF THE THIRD INTER-COMMITTEE MEETING AND THE  
SIXTEENTH MEETING OF CHAIRPERSONS**

**Note by the Secretariat**

1. The present report contains information on the steps taken by the treaty bodies and the Secretariat to implement the recommendations adopted at the third Inter-Committee Meeting, which was held from 21 to 22 June 2004, and the sixteenth meeting of chairpersons of human rights treaty bodies, held from 23 to 25 June 2004.
2. The report will be considered at the fourth Inter-Committee Meeting and seventeenth meeting of chairpersons of human rights treaty bodies, which will take place in Geneva on 20 to 22 June 2005, and 23 to 24 June 2005 respectively.

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## I. INTRODUCTION

3. The present report provides information on the follow-up actions taken by the treaty bodies, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Division for the Advancement of Women (DAW) with regard to the substantive recommendations made by the third Inter-Committee Meeting and the sixteenth meeting of chairpersons held from 21 to 22 June 2004 and 23 to 25 June 2004 respectively.
4. Part II of the report addresses implementation of the recommendations of the third Inter-Committee Meeting (A/59/254, annex). Part III examines the actions taken to follow up the recommendations made by the sixteenth meeting of chairpersons of human rights treaty bodies (A/59/254), while part IV provides information on other relevant developments. A proposal by OHCHR, prepared in collaboration with DAW on the standardization of terminology used by treaty bodies at the request of the third Inter-Committee Meeting (A/59/254, annex, recommendation IX), is contained in the annex to the report.
5. The report is complemented by the report on the working methods of the seven human rights treaty bodies relating to the reporting process (HRI/MC/2005/4) which provides information on the implementation of the recommendations of the sixteenth meeting of chairpersons and the third Inter-Committee Meeting concerning modalities adopted by treaty bodies with respect to the participation of non-governmental organizations (NGOs) in the work of the treaty bodies and last minute requests by States parties for postponement of consideration of reports (A/59/254, recommendations L and O). It is also complemented by a report on reservations to human rights treaties (HRI/MC/2005/5) requested by the sixteenth meeting of chairpersons (A/59/254, annex, recommendation XVI).
6. The implementation of the recommendations of the third Inter-Committee Meeting and the sixteenth meeting of chairpersons with regard to the draft guidelines on an expanded core document and treaty specific targeted reports is addressed in a report prepared by Mr. Kamel Filali (HRI/MC/2005/6), rapporteur on this issue, which includes information on the discussions that have taken place during the past year in each treaty body regarding the document on provisional guidelines for reporting with an expanded core document and treaty-specific targeted reports (HRI/MC/2004/3). Revised draft guidelines, reflecting comments and suggestions made by each treaty body during the last year, as well as those received by States parties, national human rights institutions (NHRIs) and NGOs are contained in document HRI/MC/2005/3.

## II. FOLLOW-UP TO POINTS OF AGREEMENT OF THE THIRD INTER-COMMITTEE MEETING

### A. Working methods

*Recommendation: The third Inter-Committee Meeting recommended that each committee should include in its agenda for each session a specific item on working methods if it had not already done so. The secretariat of each committee was requested to produce a document detailing its working methods for inclusion in its annual report, or issued as a separate document.*

7. All committees have included a specific item on working methods in their agendas, and they have all included details of their working methods in the annual reports. The OHCHR web site also includes an overview of the working methods of the various treaty bodies, except CMW, and the DAW web site includes an overview of the working methods of CEDAW.
8. At its thirty-second session in January 2005, the Committee on the Elimination of Discrimination against Women (CEDAW) discussed its working methods under the agenda item entitled "Ways and means of expediting the work of the Committee". The discussion covered consideration and decision with regard to: focused concluding comments; country task forces; consideration of implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the absence of a report; follow-up to the recommendations of the third Inter-Committee Meeting and the sixteenth meeting of chairpersons of human rights treaty bodies; date of issuance of pre-session documentation; and extension of the Committee's meeting time (A/60/38, part I).
9. The Committee on the Elimination of Racial Discrimination (CERD) discussed working methods at its sixty-fifth and sixty-sixth sessions in August 2004 and February and March 2005 respectively under the item of the agenda entitled "Organizational and other matters". The discussion focused on the nomination of a coordinator on requests for further information from States parties and his mandate. At the sixty-fifth session in August 2004, the Committee appointed a five-member working group to consider situations under its early warning and urgent action procedures.
10. The item "Working methods" was included in the agenda of the Human Rights Committee (HRC) at the eighty-first session in July 2004, the eighty-second session in October and November 2004, and the eighty-third session in March 2005. At its eighty-first session, HRC discussed and applied its procedure for soliciting update reports or ad-hoc reports to one particular country (A/59/40, para. 59). The Committee also discussed and amended its working methods under the Optional Protocol to the Covenant with a view to improving the procedure for the consideration of communications (A/59/40, annex VIII). At its eighty-third session, HRC initiated a discussion on its working methods under the Optional Protocol to the Covenant in order to further improving the procedure for the consideration of communications.
11. The Committee on Economic, Social and Cultural Rights (CESCR) discusses methods of work under the agenda item "Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights". At its thirty-fourth session, in May 2005, the Committee convened a meeting with States parties to the Covenant to discuss the proposed optional protocol to the Covenant and the Committee's methods of work.
12. The Committee against Torture (CAT) discussed working methods at its thirty-third session in November 2004 and its thirty-fourth session in May 2005 under the item entitled "Organizational and other matters". At its thirty-fourth session, the Committee adopted guidelines on the form and content of initial reports that will replace the earlier version adopted by the Committee in April 1991 and will complement any guidelines that might be produced jointly by the treaty bodies for an expanded core document. CAT also convened a meeting with States parties to the Convention on 19 May 2005 to discuss its methods of work, including its lists of issues; interaction with NGOs; the format of concluding observations; preparation of

general comments; the backlog of reports; follow-up to article 19 on reporting and article 22 on communications; and cooperation and coordination with other treaty bodies, mechanisms of the Commission on Human Rights and the United Nations voluntary funds.

13. At its second session in April 2005, the Committee on the Rights of All Migrant Workers and Members of Their Families (CMW) discussed its methods of work in respect of the consideration of reports submitted by States parties, and adopted provisional guidelines regarding the form and content of initial reports. CMW convened a meeting with States parties on 26 April 2005 to discuss the modalities of reporting.

*Recommendation: The third Inter-Committee Meeting recommended that each committee, if it had not already done so, consider adopting the practice of producing a list of issues and questions to be submitted to States parties before the session at which the respective State party's report is to be considered by the Committee.*

14. CAT, CEDAW, CESCR, the Committee on the Rights of the Child (CRC) and HRC prepare lists of issues and questions which are addressed to States parties prior to the consideration of their reports. In the case of CERD, the country rapporteur may decide to produce lists of issues and questions, and these are not subject to discussion and approval by the Committee as a whole at a previous session or pre-session. Notably, lists of issues were sent to five of the eight States whose reports were considered in August 2004 and the eight States parties whose reports were considered by the Committee in March 2005.

15. Currently, CAT prepares lists of issues with respect to periodic reports only. At its thirty-first session in July 2004, CEDAW decided to extend the practice of preparing lists of issues and questions to initial reports, and lists on initial reports were prepared for the first time by its pre-session working group (26 to 30 July 2004) for the thirty-second session (10 to 28 January 2005).

16. CMW discussed the issue of lists of issues and questions at its second session in April 2005. After having heard the representatives of States parties, United Nations agencies, intergovernmental organizations and NGOs, the Committee decided that it will in principle follow the practice established by other treaty bodies in the consideration of States parties' reports. In particular, the Committee agreed that it will appoint two country rapporteurs for each initial report and adopt a list of issues which will be sent to the State party concerned one session prior to the session in which the report will be considered. The Committee will invite the State party to respond to the list of issues in writing and complement this information, if it so wishes, during the dialogue with the Committee.

*Recommendation: The third Inter-Committee Meeting recommended that States parties should specifically address the steps taken to implement the Committee's concluding observations/recommendations in their periodic reports. Where this information is not included, it was recommended that the committees request it in their list of issues for the State party.*

17. CEDAW guidelines for periodic reports indicate that the concluding comments on the previous report should be one of the two starting points for subsequent periodic reports. Where reports do not refer to or provide insufficient information on action taken in follow-up to previous concluding comments, relevant issues are raised in the list of issues and questions and

in the constructive dialogue. CERD, CRC and HRC systematically require follow-up information on previous concluding observations in the lists of issues if this has not been provided in the State report.

18. In the case of CAT, the lists of issues request additional information on implementation of the previous recommendations where the information has not been provided in the State report. All periodic reports examined by CESCR at its thirty-third and thirty-fourth sessions in November 2004 and April and May 2005 respectively referred to the previous concluding observations, and no specific mention of follow-up was made in the lists of issues.

### **B. Follow-up**

*Recommendation: The third Inter-Committee Meeting recommended that each committee continue to consider adopting procedures to ensure effective follow-up to their concluding observations, taking into account the procedures that are already being implemented and their respective workloads.*

19. All treaty bodies request States parties to provide information on implementation of the recommendations contained in previous concluding observations/comments in their subsequent reports or during the constructive dialogue. HRC, CERD, CESCR and CAT have also recently introduced formal procedures to follow up on implementation of their concluding observations.

20. During its sixty-fourth session in March 2004, CERD modified rule 65 of its Rules of Procedure and a second paragraph was added providing for the appointment of a coordinator on requests for further information from States parties. A coordinator and an alternate were appointed at the sixty-fifth session in August 2004, and the terms of reference for his mandate were adopted at the sixty-sixth session in February and March 2005. The coordinator, who is appointed for a period of two years, works in cooperation with the country rapporteurs. The procedure was immediately implemented in relation to two States parties. CERD also implemented a decision by which it would identify priority issues in its concluding observations that States would report on within one year. Priority issues were identified in the concluding observations adopted at the sixty-sixth session with respect to five of the eight States parties considered during the session. In July 2004, CEDAW decided that due to its current workload, it would revisit the question of the development of a follow-up mechanism at a later stage.

### **C. Liaison with specialized agencies, funds and programmes**

*Recommendation: The third Inter-Committee Meeting recommended that each committee consider appointing a focal point to liaise with specialized agencies and other bodies of the United Nations system to encourage their participation in its work. In particular, the committees should encourage United Nations bodies to provide country-specific input relating to the human rights situation in the State party under consideration.*

21. Most treaty bodies have adopted modalities for interaction with specialized agencies and other bodies of the United Nations system. CEDAW and CERD have had focal points for liaison with specialized agencies and other United Nations bodies for some time.

22. At its thirty-fourth session in May 2005, CESCR appointed focal points to liaise with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the Food and Agriculture Organization (FAO), and the United Nations Development Programme (UNDP).

23. At its thirty-third session in November 2004, CESCR held its second meeting with the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, the first such meeting being convened during its thirty-first session in November 2003. During its thirty-fourth session in May 2005, the third meeting of the Joint UNESCO/CESCR Expert Group on the Monitoring of the Right to Education was held at the UNESCO headquarters in Paris. During this session, it was agreed that a meeting between Committee members and working-level counterparts from United Nations agencies in Geneva should be organized during the thirty-fifth session, with a view to strengthening cooperation with United Nations agencies.

24. At its second session from 25 to 29 April 2005, CMW agreed that it will invite contributions from other United Nations agencies, as well as intergovernmental organizations, NGOs, NHRIs and other concerned bodies in preparation for the consideration of States parties' reports.

25. In the context of Action 2 contained in the Secretary-General's report "Strengthening of the United Nations: An Agenda for Further Change" (A/57/387 and Corr.1), trainings carried out by OHCHR and other United Nations partners for United Nations Country Teams (UNCTs) continued to pay particular attention to national level inputs into the treaty reporting process and the practical utilization of the recommendations of the treaty bodies. In order to facilitate the participation of UNCTs in the reporting process, OHCHR prepared a "Guidance note", providing practical information on the possibilities for interaction with the treaty bodies throughout the reporting process, ranging from encouraging ratification and reporting to following up on treaty body recommendations, also providing practical examples of such past involvement by UNCTs.

#### **D. National human rights institutions**

*Recommendation: The third Inter-Committee Meeting recommended that all committees strongly support the work of national human rights institutions and, where they did not exist, call on States to create them in accordance with the Paris Principles. The meeting encouraged national human rights institutions to participate in treaty body sessions, including by providing input to the work of the pre-sessional working groups, while maintaining their independence. National human rights institutions were also encouraged to play a role in providing early warning of cases of human rights violations and in following up on treaty body recommendations. The meeting recommended that a number of NHRIs be invited to the next Inter-Committee Meeting.*

26. CESCR, CERD and CRC have all adopted general comments on the role of NHRIs in the work of the treaty bodies: general comment No. 10 (1998) of CESCR on the role of national human rights institutions in the protection of economic, social and cultural rights; general recommendation No. XVII of CERD on the establishment of national institutions to facilitate

implementation of the Convention; and general comment No. 2 (2002) of CRC on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

27. CERD, CRC, CESCR and HRC systematically include references to national human rights institutions in their lists of issues and concluding observations. At the sixty-sixth session of CERD in February and March 2005, NHRI representatives were seated in the central part of the room, and at the suggestion of one member of the Committee and following agreement of the State party, NHRI representatives were given the floor in public plenary during the consideration of the report of one State party, although in its report to the General Assembly at its fifty-eighth session, the Committee indicated in its working methods that NHRIs could only address members in informal briefings outside working hours (A/58/18, annex IV).

28. CAT has not systematically included references to NHRIs in its lists of issues and concluding observations, but input from NHRIs has been considered by the Committee during the last year, with letters being sent by CAT to NHRIs in the reporting countries requesting information.

29. CEDAW has not included general references to NHRIs in its lists of issues and questions, but the Committee regularly reviews the role and functions of national machineries for the advancement of women, and any relevant concerns are reflected in the concluding comments. References to particular mechanisms, such as Ombudsman for gender equality, have been included in lists of issues and concluding comments. To date, NHRIs have not provided input to the Committee. At its thirty-second session in January 2005, the Committee expressed its interest in establishing interaction with NHRIs, and agreed to discuss the modalities for such interaction at the thirty-third session. The Committee also agreed that should NHRI representatives wish to attend the Committee's thirty-third session and present information to the Committee, this would be accommodated during the meeting between the Committee and representatives of NGOs. Two members of CEDAW participated in the Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women in Ouarzazate in November 2004, which was organized jointly by DAW and OHCHR. The aim of the round table was to build the capacity of these institutions to more effectively promote and protect women's human rights by contributing to a better understanding of the linkages between gender equality and women's human rights.

30. As for CMW, the possibility of inviting NHRIs was mentioned at its informal meeting held from 11 to 15 October 2004. During the sixty-first session of the Commission on Human Rights, the Chairperson of the Committee participated in a thematic discussion organized on 15 April 2005 by the International Coordinating Committee for National Institutions for the Protection and Promotion of Human Rights on migration and national human rights institutions.

### E. Non-reporting

*Recommendation: The third Inter-Committee Meeting recommended that the Secretariat produce a comprehensive report highlighting the situation with regard to non-reporting by States parties and reports that are overdue.*

31. The OHCHR database shows the reporting status as of 18 May 2005 is as follows:

Committee	All overdue reports	More than 5 years overdue
HRC	190	85
CESCR	154	93
CAT	187	61
CEDAW	241	104
CERD	478	244
CRC	128	54
CRC-OP-AC	43	0
CRC-OP-SC	46	0
MWC	25	0

32. More information can be found in a report produced by the Secretariat on the recent reporting history (HRI/GEN/4/Rev.5), which includes information on non-reporting by States parties as well as on overdue reports. A new database to provide information on reporting by States parties will be launched by OHCHR in 2005.

### F. Statistical information relating to human rights implementation

*Recommendation: The third Inter-Committee Meeting requested the Secretariat to provide assistance to the treaty bodies in analysing statistical information relating to human rights presented in States parties' reports, replies to lists of issues and core documents.*

33. OHCHR has initiated work to analyse and identify the suitability of commonly used indicators for assessing the compliance of State parties to international human rights treaties, and has undertaken a survey of initiatives that have used indicators for human rights assessment. The results of this survey were presented at the Expert Meeting on Human Rights Indicators in Turku, Finland, convened from 10 to 13 March 2005.<sup>1</sup> The meeting, which brought together human rights experts, including treaty body members and statistical experts, agreed that indicators could be used in a meaningful way by treaty bodies in their assessment of State parties' compliance with their treaty obligations. The meeting recognized the need to involve all the treaty bodies in the process of assessing the design and use of indicators for human rights assessment and recommended that the results of this meeting be brought to the attention of the fourth Inter-Committee Meeting.

### **G. Cooperation with special procedures mandate holders**

*Recommendation: The third Inter-Committee Meeting recommended that funds be made available to support the interaction of special procedures mandate holders with the treaty bodies, including through attendance at sessions of treaty bodies.*

34. Since the last Inter-Committee Meeting, various Committees have met with special procedures mandate holders. At its thirty-seventh session in September 2004, CRC met with the independent expert to lead the Secretary-General's study on violence against children as well as the Special Rapporteur on the right to education. CRC met with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment at its thirty-eighth session in January 2005. At its thirty-third session in November 2004, the then Special Rapporteur on torture addressed CAT. At its eighty-third session in March 2005, HRC designated a focal point to liaise with the Special Adviser to the Secretary-General on the prevention of genocide.

35. During its sixty-fifth session in August 2004, CERD met with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health attended the sixty-sixth session of CERD in February and March 2005.

### **H. Press releases**

*Recommendation: The third Inter-Committee Meeting recommended that committees establish a liaison point with the Department of Public Information to ensure the accuracy of press releases. The meeting also recommended that the press releases of each committee should include a disclaimer stating, "This press release is not an official record and is provided for public information only".*

36. In the case of CERD, CAT, CRC and HRC, press releases are systematically checked by the Secretariat. Press releases for meetings of CESCR are checked when particularly sensitive issues have been considered. Country rapporteurs of CRC are encouraged to interact with the Department of Public Information (DPI).

37. With the exception of press releases relating to CEDAW, all press releases contain disclaimers to both the printed and web versions, although there is some variation in the wording. DPI has agreed that the disclaimer recommended by the third Inter-Committee Meeting would be systematically included in the future.

### **III. FOLLOW-UP TO RECOMMENDATIONS OF THE SIXTEENTH MEETING OF CHAIRPERSONS OF HUMAN RIGHTS TREATY BODIES**

#### **A. Technical cooperation**

*Recommendation: The chairpersons called for greater opportunities for interaction with the board of trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.*

*Recommendation: The chairpersons requested that the Secretariat review the impact of recommendations of the treaty bodies in their concluding observations/comments calling for States to consider requesting technical assistance with respect to certain areas, in particular those relating to preparation of reports required by the human rights treaties.*

38. Since the third Inter-Committee Meeting, the concluding observations/comments of HRC, CEDAW, CAT and CERD have not included recommendations on the possibility of seeking technical assistance. In its concluding observations on Azerbaijan adopted on 26 November 2004 (E/C.12/1/Add.104), CESCR recommended the State party to "... continue to seek international technical assistance, as provided for in article 23 of the Covenant" (para. 53).

39. Fourteen out of the 17 concluding observations adopted by CRC at its thirty-seventh and thirty-eighth sessions recommend the possibility of States parties seeking technical assistance from OHCHR, UNICEF, ILO and other United Nations bodies in areas including a national plan of action for the implementation of the Convention; coordination; data collection; education; prevention of HIV/AIDS; abuse and neglect; sexual exploitation and trafficking; the juvenile justice system; and police training. Recommendations relating to technical assistance are also made with regard to substance abuse; street children; corporal punishment; health services; and economic exploitation. The Committee has also suggested that States parties consider seeking technical assistance from OHCHR and UNICEF in respect of the preparation of their next periodic reports (see the concluding observations on Togo adopted on 28 January 2005, CRC/C/15/Add.255, para. 80).

*Recommendation: The chairpersons recommended that the United Nations partners work with States parties through technical cooperation programmes to improve the quality of reporting systems at the country level.*

*Recommendation: The third Inter-Committee Meeting generally agreed that any States parties wishing to prepare reports using the draft guidelines should be entitled to do so and encouraged them to seek technical assistance from OHCHR and DAW, which were requested to provide technical assistance to States engaged in this process.*

40. In the context of the HURIST (Human Rights Strengthening) joint programme between OHCHR and UNDP and under the heading "Human rights treaty standards and processes in the national level development setting", an initiative has been created in Timor-Leste directed at support for treaty reporting and strengthening the capacity of the UNDP Country Office to implement a human rights-based approach to development. Pursuant to this programme, a treaty

reporting workshop was organized in September 2004 under the aegis of the Timorese Ministry of Foreign Affairs, designed to sensitize all sections of Timorese society to the implications of ratification of human rights treaties, and to the possibility of reporting using the draft guidelines presented to the third Inter-Committee Meeting and the 16th meeting of chairpersons. Steps have also been taken to facilitate nationwide consultative meetings at district level to introduce Government officials, non-governmental organizations and community groups to the process of treaty reporting. National consultants to support treaty reporting were also recruited

41. A treaty reporting workshop hosted by the Government of Angola, with the support of OHCHR, will be convened in Luanda from 24 to 27 May 2005. The workshop will discuss coordinated reporting and preparation of the expanded core document in line with the draft guidelines presented to the third Inter-Committee Meeting.

42. From 29 November to 3 December 2004, the Inter-ministerial Committee of Tanzania, in cooperation with the Raoul Wallenberg Institute and with the financial support of UNDP, convened a seminar on State party reporting obligations with focus on reporting obligations under CESC, in which a member of the Secretariat participated. A member of the Secretariat also participated in a workshop for non-governmental organizations on reporting and complaints procedures convened by the Human Rights Trust for Southern Africa in Pretoria from 29 November to 1 December 2004.

### **B. Jurisprudence of treaty bodies**

*Recommendation: The chairpersons requested the Secretariat to consider means of presenting the corpus of treaty body jurisprudence in an accessible way, along with commentaries, to allow it to be used more effectively by all treaty bodies and others.*

43. OHCHR has continued to disseminate the output of human rights treaty bodies via its list serve and has redesigned its web pages on treaty bodies so that information is presented in a consistent user-friendly manner. It has also continued to compile the selected decisions of the Human Rights Committee, and is considering developing a compilation of the decisions of CAT and CERD. In cooperation with partners, the OHCHR regional office in Santiago de Chile has compiled the concluding observations of the HRC, CESC, and CRC on the countries of Latin America and the Caribbean. Additionally, Volume 4 of the selected decisions of HRC under the Optional Protocol was published in October 2004 and Volume 5 will become available in July 2005.

44. OHCHR is also upgrading its main communications database, which includes information from the procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3 and the special procedures. It will also make the existing search facility more accessible, by providing the possibility of a theme search. The views of CEDAW under the Optional Protocol are also disseminated via the DAW web site.

### **C. Cooperation with the Commission on Human Rights**

*Recommendation: Noting the point of agreement of the Inter-Committee Meeting, the chairpersons recommended that further discussions be held with the Expanded Bureau of the Commission on Human Rights on modalities for constructive and interactive dialogue with the chairpersons of the human rights treaty bodies during the sixty-first session of the Commission. It entrusted its Chairperson to discuss this matter with the Expanded Bureau of the Commission in the course of the year.*

45. The issue of modalities for constructive and interactive dialogue among the chairpersons and the Commission was brought to the attention of the Expanded Bureau, which invited all chairpersons to address the sixty-first session of the Commission under agenda item 18 (a) (Effective functioning of human rights mechanisms: Treaty bodies), so that adequate attention could be paid to that item. The Chairperson of CMW addressed the Commission on 13 April 2005 in his capacity as Chairperson of the Committee and of the third Inter-Committee Meeting and 16th meeting of chairpersons.

### **D. Cooperation with field presences**

*Recommendation: The chairpersons recommended that consideration be given to providing a forum for representatives of OHCHR field presences to meet with the treaty bodies.*

46. During the OHCHR Heads of Field Presences Meeting held from 22 to 26 November 2004, a meeting was held on “Ensuring one UN human rights programme with three interlinked components: treaty bodies, special procedures, and technical cooperation”. The meeting was attended by the Chairperson of CESCR, the Chairperson of the United Nations Voluntary Fund for Technical Cooperation and the Special Rapporteur on torture.

### **E. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

*Recommendation: The chairpersons recommended that all treaty bodies actively promote ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by States parties.*

47. Encouragement to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is systematically included in the lists of issues and concluding observations of CERD. The concluding comments of CEDAW currently include a standard paragraph on the seven core human rights instruments where it encourages States parties to ratify those conventions that the respective State party has not yet ratified.<sup>2</sup>

48. CRC encourages States parties to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families where the Committee feels that it is appropriate. HRC, CAT and CESCR do not have a systematic practice in this regard, but in its concluding observations, CESCR encourages States where migrant workers are faced with

problems with regard to the enjoyment of economic, social and cultural rights to ratify the Convention, like for example in the concluding observations on Italy (E/C.12/1/Add.103, para. 36).

#### **F. Participation in the Inter-Committee Meeting**

*Recommendation: The chairpersons recommended that the treaty bodies nominate participants in the Inter-Committee Meeting with due consideration for continuity in participation.*

49. All committees have nominated participants for the fourth Inter-Committee Meeting. Of those, 10 have previously participated in Inter-Committee Meetings.

### **IV. OTHER DEVELOPMENTS**

#### **Technical cooperation**

50. From 11 to 13 November 2004, OHCHR, with the support of UNICEF, organized a subregional workshop on follow-up to concluding observations of CRC, hosted by the Government of Thailand. The workshop was held in Bangkok and was attended by participants from Cambodia, Indonesia, the Lao People's Democratic Republic, Viet Nam and Thailand. Similar workshops are to be held in 2005 in Doha, Qatar and Buenos Aires.

51. From 9 to 13 May 2005, the third training workshop of a project entitled "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms" took place at Geneva with participants from Uganda, Zambia, Bosnia and Herzegovina, Thailand and Mauritius. The project aims at increasing the enjoyment of human rights in countries that have ratified international human rights instruments by enhancing the implementation of the conclusions and recommendations of human rights treaty bodies at the national level by strengthening of the capacity of NHRIs, NGOs and the media. The immediate objectives are to increase the involvement of these and other national actors in the treaty reporting and implementation process and to increase the participation of civil society in the work of the treaty bodies, particularly with respect to follow-up of recommendations of treaty bodies.

52. As part of its technical cooperation programme, DAW has implemented a two-phase technical assistance project with the Government of Sierra Leone to strengthen the capacity of government officials to implement the Convention. As part of the first phase, a team of internationally recognized experts, including from CEDAW, held consultations from 25 to 27 October 2004 with heads of ministries and departments in key ministries. A report was prepared, containing recommendations for priority action by the Government in the field of legislative reform, policy and programme measures, and cooperation with civil society and the international community.

53. The second phase of the project, consisting of two training workshops for mid-level Government officials on the implementation of CEDAW, took place in Freetown from 4 to 8 April 2005. The objective of the first workshop was to support the national machinery for the advancement of women, the Ministry of Social Welfare, Gender and

Children's Affairs, to act as a catalyst for gender equality vis-à-vis other ministries and community groups and to provide advice and guidance on the development of gender-related policy. The second workshop focused on the role of key ministries in the implementation of the Convention, and aimed at familiarizing them with the relevant provisions of the Convention and their applicability in various sectors, including education, economic development planning, health and justice. A high-level consultation mission on CEDAW organized by DAW will be organized in Kabul in 2005.

54. In May 2005, in Santiago de Chile, OHCHR and UNDP convened a workshop on how to improve the incorporation of treaty body recommendations into the country programmes of specialized agencies. Representatives of UNDP and other specialized agencies from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela attended the workshop. In October 2005, a similar workshop will be organized in Panama for Central American countries and Mexico.

55. From 25 May to 1 June 2005, in collaboration with the Economic Commission for Latin America and the Caribbean, DAW will convene a judicial colloquium on the application of international human rights law and a training workshop for government officials on implementation and reporting as well as on follow-up to concluding comments under CEDAW. The two events will take place in Santiago de Chile, and judicial officers and government officials from 12 countries in the Latin American region have been invited to attend. DAW also facilitated the participation of a CEDAW expert in a workshop on reporting in Timor-Leste, in March 2005. A joint workshop on follow-up to the concluding observations/comments of CERD and CEDAW will be convened in Cairo in 2005.

### **Other developments**

56. At its sixty-sixth session, CERD held a general debate on multiculturalism in which the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance took part. The latter also participated in the thematic discussion on the prevention of genocide held at the same session. Among the other participants were States parties, the Special Adviser to the Secretary-General on the prevention of genocide, other related United Nations organizations, and international NGOs. Following the discussion, CERD adopted a declaration on the prevention of genocide.

57. At its thirty-seventh session in September 2004, CRC held a general discussion day on implementing child rights in early childhood.

58. At its thirty-sixth session in April and May 2005, the CESCR adopted general comment No. 16 (2005) on article 3 of the Covenant (equal rights of men and women). CEDAW continued work on a general recommendation on article 2.

59. Two members of the African Committee of Experts on the Rights and Welfare of the Child attended the thirty-eighth session of CRC as observers in order to deepen the cooperation between the United Nations framework and the regional human rights framework, as well as to enhance the exchange of best practices on how States parties implement their obligations under the different human rights mechanisms.

60. In its resolution 59/261, the General Assembly welcomed the efforts of the CRC to reform its working methods so as to consider the reports of States parties in a timely manner, including its proposal to work in two chambers, as an exceptional and temporary measure, for a period of two years, in order to clear the backlog of reports, taking due account of equitable geographic representation. The CRC will meet in two chambers of nine members each as from its forty-first session in January 2006. In accordance with the request of the General Assembly, the Committee will assess the progress made after two years, taking into account the wider context of treaty body reform.

61. At its thirty-second session in January 2005, the CEDAW expressed its disappointment at the lack of action taken by the General Assembly, at its fifty-ninth session, in regard to the Committee's request to put in place short-term measures and a long-term solution that would allow the Committee to implement its responsibilities under the Convention and the Optional Protocol in an effective and timely manner. The Committee will take up the matter of its meeting time again at its thirty-third session with a view to submitting a proposal for action to the General Assembly at its sixtieth session.

### Notes

<sup>1</sup> See <http://www.abo.fi/institut/imr/indicators>.

<sup>2</sup> "The Committee notes that States' adherence to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of ... to consider ratifying the [treaty/treaties] to which it is not yet a party, i.e. ... ."

### Annex

## PROPOSALS FOR THE HARMONIZATION OF INCONSISTENT TERMINOLOGY USED BY THE TREATY BODIES

The third Inter-Committee Meeting recommended that OHCHR, in collaboration with DAW, submit a proposal to the fourth Inter-Committee Meeting on the standardization of terminology used by treaty bodies relating to technical elements of their work.

The following table sets out the terms that are currently, or have in the past, been used to describe elements of the reporting procedures of the various treaty bodies.

**Table of terminology used by the human rights treaty bodies**

		CESCR	HRC	CERD	CEDAW	CAT	CRC
General comment	E	✓	✓	No	No	✓	✓
General recommendation	E	✗	✗	✓	✓	✗	✗
Observation générale	F	✓	✓	✗	✗	✓	✓
Recommandation générale	F	✗	✗	✓	✓	✗	✗
Observación general	S	✓	✓	✗	✗	✓	✓
Recomendación general	S	✗	✗	✓	✓	✗	✗
Concluding observation	E	✓	✓	✓	✗	✗	✓
Conclusions and recommendations	E	✗	✗	✗	✗	✓	✗
Concluding comments	E	✗	✗	✗	✓	✗	✗
Observations finales	F	✓	✓	✓	✓	✓*	✓
Conclusions et recommandations	F	✗	✗	✗	✗	✓	✗
Observations	F	✗	✓*	✗	✗	✗	✗
Conclusions	F	✓*	✓*	✓*	✗	✗	✓*
Observaciones finales	S	✓	✓	✓	✓	✓*	✓
Conclusiones y recomendaciones	S	✗	✗	✗	✗	✓	✗
Observaciones	S	✗	✓*	✗	✗	✗	✗
Observancia	S	✗	✓*	✗	✗	✗	✗

\* Term has been used on occasion, but does not represent the standard practice of the Committee.

Confusion can arise where (i) the translation of one term into another language does not follow as far as possible the same Latin root; (ii) the same term is not used within all treaty bodies to describe the same thing; and (iii) the same words (or words deriving from the same Latin word) are used indiscriminately: note, for example, the use of the words “observation” (*observation/observación*) and “recommendation” (*recommandation/recomendación*) across the three languages in relation to “concluding observations” and “general comments”. Consistency among languages is important to facilitate consistent interpretation during treaty body sessions, and for those who work in more than one language.

### **Terminology used to describe decision-making in the treaty bodies**

The different terms used by the treaty bodies to describe the various forms of decision-making have been used inconsistently. The following English terms are used more or less indiscriminately and have been subject to inconsistent translation: “decision”; “recommendation”; “statement”; “declaration”; “resolution”. For example, CRC has used the term “recommendation” to describe two quite distinct classes of decision, firstly in relation to the Committee’s internal working methods and secondly in expressing the Committee’s collective view or position with regard to substantive issues of child rights.

### **The treaties as a source of terminology**

Although the treaties do use specific terms in relation to some of the terms used by the treaty bodies, these have not been employed consistently or precisely to denominate particular elements of the treaty bodies’ work. The standard terms used by some committees also appear to contradict the precise wording of the treaties. Thus, for example, the treaties use the terms “general comments” (Covenant on Civil and Political Rights and the Convention against Torture), “suggestions and general recommendations” (the Conventions on the Elimination of All Forms of Racial Discrimination, on Discrimination against Women, and on the Rights of the Child) or “comments” (Convention on Migrants) in relation to what are commonly called *concluding observations*, yet the treaty bodies have used these terms for their general advice on interpreting the treaties for all States parties rather than their specific advice on a State party’s report.

### **Proposals**

The secretariat considers that the principle of uniformity and consistency within and between treaty bodies, and as far as possible between languages, should be the basis on which a decision as to terminology should be reached.

The following proposals are put forward for the consideration of the fourth Inter-Committee Meeting:

Term in English, French and Spanish	Definition
<i>Conclusions</i> <i>Conclusions</i> <i>Conclusiones</i> Alternatively: <i>Concluding Observations</i> <i>Observations finales</i> <i>Observaciones finales</i>	The treaty body's concluding observations following the consideration of a State party's report.
<i>General comment</i> <i>Commentaire général</i> <i>Comentario general</i>	A treaty body's general commentary or interpretation of aspects of the treaty aimed at all States parties.
<i>Recommendation</i> <i>Recommandation</i> <i>Recomendación</i>	A decision of a treaty body which urges action by a third party.
<i>Decision</i> <i>Decision</i> <i>Decisión</i>	A decision of a treaty body which decides on action to be taken by the treaty body itself or its secretariat or relates to procedures and working methods.
<i>Statement</i> <i>Declaration</i> <i>Declaración</i>	A statement made by the treaty body expressing an opinion or its concerns about a specific issue.  The difference between English and the other languages in this case is justified, since the term "declaration" always carries more weight in English than "statement".

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