

**General Assembly****Distr.
GENERAL**A/44/539
6 October 1989**ORIGINAL: ENGLISH**Forty-fourth session
Agenda item 109**EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS
ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER
INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS****Report of the Secretary-General****I, INTRODUCTION**

1. In its resolution 42/105 of 7 December 1987, the General Assembly requested the Secretary-General to propose a draft agenda for the meeting of the persons chairing the human rights treaty bodies and to submit a report on that meeting to the General Assembly at its forty-fourth session. The meeting was held in Geneva from 10 to 14 October 1988 and its conclusions and recommendations were made available to the General Assembly for preliminary consideration at its forty-fourth session and subsequently issued as an official document of the Assembly (A/44/98). It is resolution 43/115 of 8 December 1988, the General Assembly requested the Secretary-General, *inter alia*, to convey the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies to the Commission on Human Rights at its forty-fifth session and requested the Commission to report to the General Assembly at its forty-fourth session, through the Economic and Social Council.

2. In accordance with the foregoing resolutions, information concerning the actions taken in respect to those conclusions and recommendations at or since the forty-fifth session of the Commission on Human Rights is being submitted to the General Assembly in the present report. The suggestions concerning the conclusions and recommendations of the meeting, contained in the reports of the Commission on Human Rights, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Group of Three, the Committee on the Elimination of Discrimination against Women and the Committee against Torture, are also summarized herein.

II. SPECIFIC ACTIONS TAKEN OR INITIATED

3. As requested by the General Assembly in paragraph 15 (a) of its resolution 43/115 and by the Commission on Human Rights in its resolution 1989/47, the Secretary-General entrusted an independent expert with the task of preparing a study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments. This study is expected to be available to the General Assembly at its forty-fourth session.

4. A task force has been appointed, pursuant to paragraph 1 of Commission on Human Rights resolution 1989/46, to prepare a study on computerizing, as far as possible the work of the treaty monitoring bodies in relation to reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies. The first meeting of the task force was held in Geneva from 26 to 30 June 1989. The task force identified and made a thorough review of all the relevant materials and factors having a bearing on its mandate and reached agreement on all of the non-technical elements of the study. A second meeting of the task force to finalize the study is expected to be convened in Geneva this fall. The Secretary-General intends to submit a report on the results of the work of the task force to the forty-sixth session of the Commission on Human Rights, to be held from 29 January to 9 March 1990.

5. As recommended by the Chairpersons and in accordance with General Assembly resolution 43/115, the Secretary-General requested the treaty bodies to consider the possible consolidation of their respective guidelines governing the initial part of the reports of States parties. A revised draft text of such consolidated guidelines, based on an earlier proposal of the Secretary-General (see document A/40/600, para. 21) and reflecting the views of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Elimination of Discrimination against Women, has been approved by the human rights treaty bodies that have had the opportunity to consider it. It is expected that a final text will be agreed to by all of the treaty bodies in 1990. The Secretary-General intends to convey the final text of the consolidated guidelines, as approved by the treaty bodies, to the General Assembly at its forty-fifth session. The adoption of such consolidated guidelines is expected to alleviate significantly the reporting burdens of States who are parties to several international human rights instruments by making it possible for them to fulfil their reporting obligations in respect of the initial part of their reports by submitting the same core document to the various treaty bodies. A copy of the draft consolidated guidelines is contained in the annex.

6. The finalization of a detailed reporting manual to assist States in the fulfilment of their reporting obligations is receiving priority attention and drafting work on the manual has been initiated. The United Nations Institute for Training and Research (UNITAR) expects to have a text available for circulation to the various treaty bodies by the end of 1989.

7. Several treaty bodies have taken action on **recommendations** designed to expedite **the timely** and effective consideration of periodic reports, by **deciding to appoint** individual rapporteurs **and/or** to establish pre-sessional working groups.

III. VIEWS AND SUGGESTIONS

8. The **Commission on Human Rights** and the treaty bodies **were** generally supportive of the **conclusions and recommendations** of the meeting of **Chairpersons**, in particular of those identified as requiring urgent action, and they made a number of specific suggestions in *respect of some of them*, as follows:

(a) In paragraph 3 of its resolution **1989/47**, the Commission on Human Rights noted that the **General Assembly**, in so far as *any* of the treaty bodies may be experiencing financial difficulties, could consider alleviating **those difficulties, inter alia**, by the temporary allocation of necessary funds by way of advance out of the United Nations regular budget which will be reimbursed from the contributions received within the same budget **year**, a procedure to be **repeated** until such time as a permanent solution to such **difficulties** can be implemented)

(b) In **connection** with the recommendations concerning the financing of human rights treaty bodies and the provision of additional staffing and other required resources, which were strongly endorsed by all of the treaty bodies, the Committee on the Elimination of Discrimination against Women suggested specifically that additional staffing resources should be provided for drafting reports, *for* translation services, and for **carrying out** necessary research and other tasks in preparation of each session. The Committee on the Elimination of Racial Discrimination also recommended specifically that the **Secretary-General** should be authorized by the General Assembly to ensure the financing of the expenses of the members of the Committee on a temporary basis from the regular budget, until such time as a permanent solution is found to the existing financial **difficulties**;

(c) Regarding the recommendation concerning the provision, on a regular basis, of technical assistance and advisory services to assist States parties in fulfilling their reporting obligations, particularly regional or sub-regional training courses on the preparation and submission of reports, it was specifically suggested that resources should be made available to hold at least one or two workshops annually in different **regions**; that the possibility of obtaining resources from the United Nations Development Programme (UNDP), when so requested by a **State party**, for the provision of technical assistance in complying with human rights reporting obligations should be explored) and that the treaty bodies should formulate practical proposals to the Centre for Human Rights to facilitate the submission of reports by certain States.

ANNEX

**Draft consolidated guidelines for the initial part
of the reports of States parties**

Land and people

1. This section should contain information about the main **ethaia** and **demographia** **characteristics** of the aountry and its population, **as** well as suah soaio-economic and aultural **indicators** **as** get **capita income**, **gross national produat**, rate of inflation, **external debt**, rate of unemployment, **literacy** rate and religion. It rhould also inaludr information on the population by mother tongue, life expectancy and infant mortality.

General political structure

2. This section should describe briefly the politiaal **history** and **framework**, the type of government and the organisation of the **executive**, legislative and judicial organs.

General legal framework within which human rights are protected

3. This section should contain information on:

(a) Whiah judicial, administrative or other competent authorities have juriodiation **affecting** human righter

(b) **What** remedies are available to an individual who alaima that any of his rights have been violated; and what **systems** of compensation exist for **victims**;

(c) Whether any of the **rights** referred to in the various human rights **instruments** are protected either in the Constitution or by a **separate** bill of **rights** and, if **so**, what provisions are made in the **Constitution** or bill of rights for derogations and in what **circumstances**;

(d) Whether the provisions of the **various** human **rights** instrument8 can be invoked before, or directly enforced by, the **courts**, other tribunals or administrative authorities or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned,

Information and publicity

4. This section should indicate whether any **special** efforts have been made to promote awareness among the publi~~a~~a and the relevant authorities of the rights contained in the **various** human **rights** instruments. The **topics** to be addressed should include the manner and extent to which the **texts** of the various human rights **instruments** have been **disseminated**; whether **such** texts have been translated into the local language or languages; what **government** agencies have responsibility for

preparing reports and whether they normally receive information or other inputs from external sources; and whether the contents of the reports are the subject of public debate.
