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COMMISSION ON HUMAN RIGHTS
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Agenda item 18

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO
UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Argentina, Australia, Austria, Canada, Chile, Cyprus, Czech Republic,
Denmark*, Finland, France, Netherlands, New Zealand*, Norway*, Poland,
Portugal and Sweden*: draft resolution

1993/... Effective functioning of bodies established pursuant to
United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 47/111 of 16 December 1992 and its
resolution 1992/15 of 21 February 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human
rights instruments is of major importance to the efforts of the Organization,
pursuant to the Charter of the United Nations and the Universal Declaration of
Human Rights, to promote universal respect for and observance of human rights
and fundamental freedoms,

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 47/111, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies, held since 1988, and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex), and from 12 to 16 October 1992 respectively (A/47/628, annex),

Recalling the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human instruments prepared by the Independent Expert (A/44/668, annex), and aware of the need to update this study,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating

compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies, and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies,

Welcoming the endorsement by the General Assembly in its resolution 47/111 of the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment for the financing of the committees established under these Conventions from the regular budget of the United Nations,

Noting that before these amendments enter into force, two thirds of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must notify in writing the Secretary-General, as depositary of their acceptance of the change (see A/47/518, annex, para.4),

Noting also the reports of the Secretary General (A/46/650 and A/47/518) examining the financial, legal and other implications of providing full funding for the operations of all human rights treaty bodies,

1. Welcomes the decision by the General Assembly, in its resolution 47/111, to request the Secretary General:

(a) To take the appropriate measures to provide for the financing of the committees established under the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995,

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

2. Welcomes also the request by the General Assembly to the Secretary-General, in the same resolution, to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

3. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for funding of the respective Committees from the regular budget;

4. Requests the Secretary-General to ensure prompt implementation of these financial measures;

5. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

6. Expresses its satisfaction with the study by the Independent Expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the Independent Expert be updated for submission to the Commission at its fiftieth session and that an interim report be presented to the General Assembly at its forty-eighth session, and be made available to the World Conference on Human Rights in June 1993;

7. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

8. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including the specialized agencies;

9. Further urges all States parties to meet without delay and in full their financial obligations under the relevant human rights instruments;

10. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end, invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

11. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies;

12. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

13. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization (E/CN.4/1990/39, annex) as soon as possible by requesting the Member States of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

14. Also requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them are made available in the United Nations information centres in the countries submitting those reports;

16. Requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59);

17. Decides to consider the question on a priority basis at its fiftieth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".
