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DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1995/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1995/L.11 and addenda.

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

1. The Commission considered agenda item 18 concurrently with items 7, 8 and 17 (see chaps. VII, VIII and XVII) at its 14th to 19th meetings, on 8 to 10 February, at its 42nd meeting, on 24 February, at its 59th meeting, on 7 March and at its 62nd meeting, on 8 March 1995.
2. In relation to agenda item 18, the Commission had before it the following documents:

Report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1994/19: inventory of all international human rights standard-setting activities (E/CN.4/1995/81);

Letter dated 10 January 1995 from the Ambassador, Chargé d'Affaires a.i., of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/130).
3. In the general debate on agenda item 18, statements 3/ were made by the following members of the Commission: Australia (14th), Bangladesh (17th), Brazil (16th), Egypt (14th), El Salvador (17th), Hungary (16th), Philippines (17th), Poland (14th).
4. The Commission also heard a statement by the observer for New Zealand (16th).
5. The Commission also heard a statement by the following non-governmental organization: Union of Arab Jurists (18th).
6. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 18.
7. At the same meeting the Commission decided to postpone consideration of draft resolution E/CN.4/1995/L.28.
8. At its 52nd meeting, on 3 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28 and again decided to postpone consideration of the draft resolution.
9. At its 59th meeting, on 7 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28 and again decided to postpone consideration of the draft resolution.
10. At its 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28.

11. The representative of Canada introduced draft resolution E/CN.4/1995/L.28 sponsored by Austria, Australia, Chile, Finland, Germany and Hungary. Angola, Argentina*, Bangladesh, China, the Czech Republic*, Denmark*, El Salvador, France, Haiti*, Iceland*, India, Italy, Liechtenstein*, Malaysia, Mauritius, the Netherlands, New Zealand*, Nicaragua, Norway*, the Philippines, Poland, Portugal*, the Republic of Korea, the Russian Federation, Sweden*, and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors. The draft resolution read as follows:

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

The Commission on Human Rights,

Recalling General Assembly resolution 49/178 of 23 December 1994 and its own resolution 1994/19 of 25 February 1994, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that the full and 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,

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 resolution 49/178, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, also reaffirmed the importance of:

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

(b) Securing sufficient financial and human 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 large number of overdue reports on implementation by States parties to United Nations human rights instruments 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 meetings of persons chairing the human rights treaty bodies, held from 1988 to 1992, and the endorsement by the General Assembly and the Commission on Human Rights of recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Recalling also the interim report (A/CONF.157/PC/62/Add.11/Rev.1) by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly in its resolution 48/120 that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

Recalling further that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies, and noting that the 5th meeting of persons chairing the human rights treaty bodies concluded that delay in the computerization of the work of treaty bodies would seriously affect the treaty bodies' effectiveness,

Welcoming the conclusions and recommendations of the 5th meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994 (A/49/537, annex, sect. IV),

Taking note of the inventory of international human rights standard-setting activities under the purview of the Commission on Human Rights prepared by the Secretary-General (E/CN.4/1995/81),

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies whose activities deal with human rights,

Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

1. Urges States parties to notify without delay 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 the States parties and the General Assembly;

2. Calls upon all States parties to fulfil without delay and in full their financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Requests the Secretary-General to report on measures that have been taken to establish a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members 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;

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

6. Continues to urge 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 relevant United Nations organs and bodies, including specialized agencies;

7. Urges the treaty bodies and the persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

8. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

9. Requests the High Commissioner for Human Rights to request the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights at its fifty-second session and to include in the final report an examination of the legal, financial, administrative and other implications of the options that he identifies;

10. Invites the specialized agencies and other United Nations bodies, procedures and mechanisms and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

11. Invites the High Commissioner for Human Rights to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

12. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments;

13. Welcomes the importance that the human rights treaty bodies attach to technical assistance and advisory services as well as the efforts they make to identify possibilities for States parties to benefit from technical assistance and advisory services, and further to this end:

(a) Requests that the High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to continue to give priority to identifying such possibilities when reviewing the periodic reports of States parties;

(c) Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance;

14. Endorses the recommendations of the meetings 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, and with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-second session and to the General Assembly at its fiftieth session;

15. Welcomes the emphasis by the 5th meeting of persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate (A/49/537, annex, para. 19), and recommends that the reporting guidelines adopted by the treaty bodies be amended to identify related gender-specific information to be addressed by States parties in their reports;

16. Welcomes the request by the General Assembly to the Secretary-General, in resolution 49/178, to take 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;

17. Endorses the recommendation of the 5th meeting of persons chairing the human rights treaty bodies that, at their meeting in 1995, they identify common obstacles to the implementation of the human rights treaties, develop strategies aimed at achieving progress in the application of the treaties and, in particular, exchange views on guidelines for monitoring more effectively the human rights of women;

18. Requests the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141 of 20 December 1993, to maintain an inventory of all international human rights standard-setting activities, from within existing resources, in order to facilitate better informed decision-making;

19. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

20. Welcomes the recommendation by the 5th meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish and make available to the media the full text of the concluding observations on their reports to the treaty bodies, and requests the High Commissioner for Human Rights to make every effort to ensure that recent reports and summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

21. Invites the Department of Public Information of the United Nations to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by the treaty bodies;

22. Requests the High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations Manual on Human Rights Reporting (HRI/DUB/91/1) 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 5th meeting of the persons chairing the human rights treaty bodies (A/49/537, annex, para. 57);

23. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, as well as the Secretary-General and the organs and bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Requests the Secretary-General to report to the Commission at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

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

12. The representative of Canada orally revised the draft resolution.

13. At the same meeting, the representative of India withdrew a draft amendment to draft resolution E/CN.4/1995/L.28, contained in document E/CN.4/1995/L.110 submitted by India on 7 March 1995.

14. The draft amendment read as follows:

India: draft amendment to draft resolution E/CN.4/1995/L.28

1. Fourth preambular paragraph

Delete the words "full and effective" in line 3.

2. Eighth preambular paragraph

Replace with the ninth preambular paragraph of General Assembly resolution 49/178 which reads as follows: "Recalling the reports of the meetings of persons chairing the human rights treaty bodies from 1988 to 1993 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,".

3. Ninth preambular paragraph

Delete

4. Eleventh preambular paragraph

Replace "Welcoming" by "Taking note of".

5. Thirteenth preambular paragraph

Delete.

6. Operative paragraph 4

Delete from "by requesting the States Members", in line 3, to the end of the paragraph.

7. Operative paragraph 5

Replace by operative paragraph 2 of General Assembly resolution 49/178 which reads as follows: "Welcomes also 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."

8. Operative paragraph 6

Stop at "reporting procedures", in line 4.

9. Operative paragraph 7

Add after subparagraph (d) the following: ", and invites them to report on the results of their examinations to the Commission on Human Rights for its consideration".

10. Operative paragraph 9

Delete.

11. Operative paragraph 10

Replace with operative paragraph 8 of General Assembly resolution 49/178 which reads as follows: "Invites the specialized agencies and other United Nations bodies and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;".

12. Operative paragraph 11

Add, after the words "High Commissioner for Human Rights" in line 1, the words "in accordance with his mandate as contained in General Assembly resolution 48/141".

13. Operative paragraph 14

Replace "Endorses" by "Requests the Commission on Human Rights to examine".

14. Operative paragraph 17

Delete.

15. Operative paragraph 20

Delete.

16. Operative paragraph 13

Replace "and the organs and bodies of the United Nations competent in the field of human rights" in lines 4/5 with the language of operative paragraph 21 of General Assembly resolution 49/178, namely "and the competent bodies of the United Nations in the field of human rights".

15. The draft resolution, as orally revised, was adopted without a vote.

16. For the text as adopted, see chapter II, section A, resolution 1995/92.

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