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Human rights questions: implementation of
human rights instruments

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 paragraph 24 of its resolution 51/87 of 12 December 1996, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the General Assembly requested the Secretary-General to report to it at its fifty-second session on measures taken to implement the resolution and on obstacles to its implementation. The present report has been prepared pursuant to that request.

II. Issues dealt with by the General
Assembly in its resolution 51/87
requiring action by the Secretary-
General or the United Nations High
Commissioner for Human Rights

A. Financing and adequate staff and
information resources for the operation of
the human rights treaty bodies

2. In paragraph 3 of its resolution 51/87, the General Assembly emphasized the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and with that in mind: (a) reiterated its request that the Secretary-General provide adequate resources in respect of each treaty body; and (b) called upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services.

1. Resources and administrative support

3. The five international human rights instruments with monitoring mechanisms currently supported by the Office of the United Nations High Commissioner for Human Rights are 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 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

4. The work of the staff assigned to provide support to the respective treaty bodies is mainly associated with: (a) the State reporting procedures under all five human rights instruments; (b) the individual complaints procedures under the Optional Protocol to the International Covenant on Civil and Political Rights, article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination; and (c) the inquiry procedure under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Another important mandate concerns the inter-State complaints procedure under all but the Convention on the Rights of the Child. The latter procedure has not yet been resorted to by any State party.

5. The new management structure of the United Nations High Commissioner for Human Rights based on three management units was put in place as from 30 September 1996. All Secretariat activities supporting the treaty bodies, the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities and related working groups as well as a number of voluntary funds were grouped together in the Support Services Branch.

6. The Support Services Branch is also responsible for the Plan of Action for the Strengthening of the Implementation of the Convention on the Rights of the Child, which, after sufficient funding was received from donor Governments, became operational in July 1997, and for the Plan of Action for Strengthening the Implementation of the Covenant on Economic, Social and Cultural Rights, which will be launched as soon as sufficient voluntary contributions have been received.

2. Access to technical expertise, appropriate databases and on-line information

7. The full-text information retrieval and database system initially developed for the Convention on the Rights of the Child has recently been expanded and made operational with respect to other human rights treaties even though not all the

data entry and downloading of full-text documents have been completed. In addition, office space with appropriate electronic equipment has been made available within the Office of the High Commissioner to treaty body experts as from November 1996 as had been requested by them for many years.

B. Analytical study comparing provisions of the human rights treaties

8. In paragraph 5 of its resolution 51/87, the General Assembly requested the Secretary-General to prepare a detailed analytical study comparing the provisions of the principal human rights treaties with a view to identifying duplication of reporting under those instruments. Pursuant to that resolution, a preliminary analysis of the international human rights treaties, offering guidance on the cross-referencing of treaty provisions as a means of reducing the burden of State reporting, has been undertaken by the secretariat. The chairpersons reviewed the analysis and the recommendations contained therein at their eighth meeting in September 1997. The Secretariat has taken note of the views of the chairpersons and shall continue working on the analytical study with a view to submitting it to the General Assembly at its fifty-third session.

C. Final report of the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system

9. In paragraph 5 of its resolution 51/87, the General Assembly requested the United Nations High Commissioner for Human Rights to encourage Mr. Philip Alston, the independent expert appointed to undertake the study, to finalize his interim report in time for the final report to be considered by the Commission on Human Rights at its fifty-third session.

10. Mr. Alston submitted his final report to the fifty-third session of the Commission (E/CN.4/1997/74, annex). Pursuant to Commission on Human Rights decision 1997/105, the Secretary-General has solicited the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert. The principal recommendations of the independent expert are contained in paragraphs 110 to 122 of his report. The report was also discussed during the eighth meeting of persons

chairing the human rights treaty bodies, which was held at Geneva from 15 to 19 September 1997 (see the annex to the note by the Secretary-General, to be issued as a document of the General Assembly at its fifty-second session).

D. Revision of the Manual on Human Rights Reporting

11. In paragraph 11 of its resolution 51/87, the General Assembly requested the High Commissioner to ensure, from within existing resources, that the revision of the United Nations Manual on Human Rights Reporting was available in all languages as soon as possible. The revised Manual includes a chapter on the Convention on the Rights of the Child, as requested by the persons chairing the human rights treaty bodies. The revision and updating of the Manual was undertaken by the Office of the High Commissioner in collaboration with the International Training Centre of the International Labour Organization (ILO) at Turin, Italy, and in consultation with treaty body experts. The revised Manual was published in September 1997 in English, a Russian version is to be published in the near future and the other language versions are in the process of preparation. It may be noted in this connection that the Manual has been developed into a training package composed of several distinct elements: the Manual; a trainer's guide and its annexes, including training tools; and a pocket guide for participants in training courses.

E. Dissemination of documentation on human rights

12. In paragraph 16 of its resolution 51/87, the General Assembly requested the High Commissioner to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, be made available in the United Nations information centres in the countries submitting those reports.

13. Extensive consultations between the then Centre for Human Rights and the Department of Public Information took place to explore ways and means to implement the General Assembly's request. A procedure has been put in place to ensure that reports submitted by States parties to treaty bodies and the concluding observations of treaty bodies be made available to the relevant United Nations information centres prior to and after the consideration of treaty implementation in a given State party. In addition, these documents are being

made available on the Website of the Office of the High Commissioner on the Internet (www.unhchr.ch). This issue was also discussed by the chairpersons during their eighth meeting in September 1997.

F. Further cooperation between specialized agencies and other United Nations bodies and the human rights treaty bodies

14. In paragraphs 17 and 18 of its resolution 51/87, the General Assembly invited the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them.

15. In accordance with a recommendation made by the persons chairing human rights treaty bodies at their seventh meeting in September 1996 (A/51/482, annex, para. 53), the High Commissioner invited high-level officials of specialized agencies and other United Nations bodies to meet with the chairpersons during their eighth meeting held at the United Nations Office at Geneva from 15 to 19 September 1997, in order to discuss concrete proposals and practical arrangements to enhance cooperation between United Nations specialized agencies and organs on the one hand, and human rights treaty bodies on the other hand.

16. At the eighth meeting of chairpersons, representatives of, inter alia, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the International Labour Organization, the World Health Organization, the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and the United Nations Population Fund (UNFPA) made concrete proposals. In particular, the Chairpersons recommended that each treaty body give careful attention to the measures that it might take in relation to the relevant human rights aspects of HIV/AIDS, including, where appropriate, adopting or revising general comments and recommendations, amending reporting guidelines, and addressing those issues in their dialogue with States parties and in their concluding observations. The Chairpersons also noted the meeting hosted by UNFPA, the Division for the Advancement of Women and the then Centre for Human Rights at Glen Cove, New York, in December 1996, at which specific guidelines and recommendations on sexual and reproductive rights were adopted. The Chairpersons recommended that a seminar on gender perspective be convened in the near future.

17. In pursuance of the recommendation of the persons chairing the treaty bodies to enhance cooperation between the

treaty bodies and the special rapporteurs, representatives and experts, Ms. Ivanka Corti, chairperson of the seventh meeting of persons chairing human rights treaty bodies, participated in the fourth meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the Advisory Services Programme, held at the United Nations Office at Geneva from 20 to 23 May 1997. In turn, Mr. Sergio Pinheiro, chairperson of that meeting, addressed the eighth meeting of persons chairing human rights treaty bodies in September 1997.

procedures of the Commission on Human Rights and of the Advisory Services Programme in May 1997. It was agreed that cooperation between the special procedures system and the treaty bodies should be strengthened in cases that called for the sending of urgent action appeals.

G. Coordination and consultation by the United Nations High Commissioner for Human Rights on measures by human rights treaty bodies in response to massive violations of human rights

18. In paragraph 23 of its resolution 51/87, the General Assembly requested the High Commissioner to coordinate and consult throughout the United Nations system in regard to measures that might be taken by human rights treaty bodies in response to situations of massive human rights violations.

19. It may be recalled that the question of measures that treaty bodies might take in response to situations of massive human rights violations and the coordination of action with other United Nations organs and bodies in that regard was at the heart of a meeting between the Secretary-General and the persons chairing human rights treaty bodies that was held at United Nations Headquarters on 19 June 1995 with the participation of the High Commissioner.

20. At their seventh meeting in September 1996 (see A/51/482, annex), the chairpersons recommended that treaty bodies increasingly consult United Nations organs and bodies, including special rapporteurs of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, exchange information and utilize existing expertise in order to detect and respond appropriately to situations of massive violations of human rights.

21. Those recommendations were brought to the attention of the fourth meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special