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Human rights questions: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled “Human rights questions: implementation of human rights instruments” and to allocate it to the Third Committee.
2. The Third Committee considered the item at its 28th and 29th meetings, on 29 and 30 October 1998, and took action at its 36th, 46th and 49th meetings, on 5, 13 and 18 November. An account of the Committee’s discussion is contained in the relevant summary records (A/C.3/53/SR.28, 29, 36, 46 and 49).
3. For the documents before the Committee under this item, see A/53/625.
4. At the 28th meeting, on 29 October, the Deputy Director, New York office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/53/SR.28).

* The report of the Committee on this item will be issued in six parts, under the symbol A/53/625 and Add.1–5.

II. Consideration of proposals

A. Draft resolution A/C.3/53/L.21

5. At the 36th meeting, on 5 November, the representative of Mexico, on behalf of *Argentina, Bangladesh, Cape Verde, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Morocco, Panama, Paraguay, Peru, the Philippines, Sri Lanka, Tunisia, Turkey, Uganda and Uruguay*, introduced a draft resolution entitled “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” (A/C.3/53/L.21). Subsequently, *Egypt, Ethiopia and Yemen* joined in sponsoring the draft resolution.

6. At its 46th meeting, on 13 November, the Committee adopted draft resolution A/C.3/53/L.21 without a vote (see para. 21, draft resolution I).

B. Draft resolution A/C.3/53/L.22 and Rev.1

7. At the 36th meeting, on 5 November, the representative of Canada, on behalf of *Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, Romania, San Marino, Slovakia, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution entitled “Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights” (A/C.3/53/L.22), which read:

“The General Assembly,

“Recalling its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,

“Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,¹

“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,² to promote universal respect for and observance of human rights and fundamental freedoms,

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

“Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

“Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights

¹ A/CONF.157/24 (Part I), chap. III.

² Resolution 217 A (III).

instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

“Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

“Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

“(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

“(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

“(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

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

“Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

“Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,³

“1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their ninth³ and tenth⁴ meetings, held at Geneva from 25 to 27 February 1998 and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

“2. *Encourages* each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

“3. *Welcomes* the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system,⁵ and the report containing the comments and observations of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert and the Secretary-General’s own views on the legal, administrative and other implications of the report’s recommendations,⁶ taking into account further developments;

³ A/53/125.

⁴ A/53/432.

⁵ E/CN.4/1997/74, annex.

⁶ E/CN.4/1998/85.

“4. *Invites* the Secretary-General to continue to solicit views of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the final report and to submit a further report thereon, including the Secretary-General’s own views on the legal, administrative and other implications of the report’s recommendations, taking into account further developments;

“5. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

“6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

“(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

“(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

“(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

“7. *Takes note with appreciation* of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child⁷ and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights,⁸ recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

“8. *Notes with interest* the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

“9. *Reaffirms* the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

“10. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

“11. *Takes note with appreciation*, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to develop appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and

⁷ Resolution 44/25, annex.

⁸ See resolution 2200 A (XXI), annex.

encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

“12. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,⁸ the International Covenant on Civil and Political Rights,⁸ the International Convention on the Elimination of All Forms of Racial Discrimination,⁹ the Convention on the Elimination of All Forms of Discrimination against Women,¹⁰ the Convention on the Rights of the Child⁶ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹¹ which is being prepared with a view to identifying duplication of reporting required under those instruments;

“13. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

“14. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;

“15. *Underlines* the importance of providing technical assistance to a State in the process of ratifying human rights instruments and for the preparation of its initial reports;

“16. *Requests* the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

“17. *Reiterates its concern* about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

“18. *Also reiterates its concern* about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

“19. *Invites* States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

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

“21. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

⁹ Resolution 2106 A (XX), annex.

¹⁰ Resolution 34/180, annex.

¹¹ Resolution 39/46, annex.

“22. *Recalls* the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

“23. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

“24. *Notes* that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

“25. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

“26. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

“27. *Takes note* of the discussion of the payment of honoraria to the members of the human rights treaty bodies included in the report on the effective implementation of international instruments on human rights and of other work being done by the Secretary-General on this subject;

“28. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

“29. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and endorses the recommendation made at their tenth meeting that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;

“30. *Also 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 United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

“31. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate

staff and information resources for the effective operation of the human rights treaty bodies;

“32. *Decides* to continue giving priority consideration, at its fifty-fifth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled ‘Human rights questions.’”

8. At its 49th meeting, on 18 November, the Committee had before it a revised draft resolution (A/C.3/53/L.22/Rev.1), submitted by *Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, and the United Kingdom of Great Britain and Northern Ireland.*

9. At the same meeting, the representative of Canada orally revised the draft resolution by replacing operative paragraph 32, which had read:

“32. *Also 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 United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard”

by the following text:

“32. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties”.

10. Also at the 49th meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

11. At the same meeting, a vote was requested on operative paragraph 26.

12. Also at the same meeting, the Committee adopted operative paragraph 26 by a recorded vote of 93 to 7, with 38 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cape Verde, China, Democratic Republic of the Congo, Fiji, Gabon, Guyana, Indonesia, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mauritius, Myanmar, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Viet Nam, Yemen.

13. Before the adoption of operative paragraph 26, the representative of the Syrian Arab Republic made a statement, and the representative of India made a statement in explanation of vote; after the adoption of paragraph 26 the representative of Cuba made a statement in explanation of vote (see A/C.3/53/SR.49).

14. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/53/L.22/Rev.1, as orally revised, without a vote (see para. 21, draft resolution II).

15. After the adoption of the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.3/53/SR.49).

C. Draft resolution A/C.3/53/L.23

16. At the 36th meeting, on 5 November, the representative of Denmark, on behalf of *Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela*, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/53/L.23). Subsequently, *Bosnia and Herzegovina, Croatia and France* joined in sponsoring the draft resolution.

17. At the 49th meeting, on 18 November, the representative of Denmark orally revised the draft resolution as follows:

(a) At the end of operative paragraph 1, the words "on a regular basis" were deleted;

(b) In operative paragraph 9, the words "*Takes note of the progress*" were replaced by the words "*Takes note of the efforts*"; and the words "with a view to establishing" were replaced by the words "which is intended to establish";

(c) In operative paragraph 10, the word "*Welcomes*" was replaced by the words "*Takes note with appreciation of*";

(d) In operative paragraph 11, the words "to respond positively to his requests to visit their countries and to give appropriate effect to his recommendations" were replaced by the words "to give serious consideration to his requests to visit their countries and to the follow-up to his recommendations";

(e) In operative paragraph 12, the words "including Member States" were replaced by the words "in particular Member States";

(f) In operative paragraph 13, the words “notably the programme on crime prevention and criminal justice” were inserted after the words “United Nations programmes”;

(g) At the end of operative paragraph 24, the words “the sub-item entitled ‘Implementation of human rights instruments’” were replaced by the words “the appropriate sub-items of the agenda”.

18. The Committee had before it a statement of the programme budget implications of draft resolution A/C.3/53/L.23, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/53/L.62).

19. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/53/L.23, as orally revised, without a vote (see para. 21, draft resolution III).

20. After the adoption of the draft resolution, statements were made by the representatives of Algeria, in which he disassociated his delegation from operative paragraph 11, Egypt and the Syrian Arab Republic (see A/C.3/53/SR.49).

III. Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,¹² the International Covenants on Human Rights,¹³ the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁴ the Convention on the Elimination of All Forms of Discrimination against Women,¹⁵ and the Convention on the Rights of the Child,¹⁶

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

¹² Resolution 217 A (III).

¹³ Resolution 2200 A (XXI), annex.

¹⁴ Resolution 2106 A (XX), annex.

¹⁵ Resolution 34/180, annex.

¹⁶ Resolution 44/25, annex.

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,¹⁷ all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 52/115 of 12 December 1997, it requested the Secretary-General to submit to it at its fifty-third session a report on the status of the Convention,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. *Calls upon* all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. *Welcomes* the launching of the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. *Takes note* of the report of the Secretary-General,¹⁸ and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-fourth session;

7. *Decides* to consider the report of the Secretary-General at its fifty-fourth session under the sub-item entitled "Implementation of human rights instruments".

¹⁷ A/CONF.157/24 (Part I), chap. III.

¹⁸ A/53/230.

Draft resolution II

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

The General Assembly,

Recalling its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,¹⁹

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,²⁰

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,²¹ to promote universal respect for and observance of human rights and fundamental freedoms,

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

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

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

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

- (a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;
- (b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;
- (c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

¹⁹ See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A.

²⁰ A/CONF.157/24 (Part I), chap. III.

²¹ Resolution 217 A (III).

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

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,²²

1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their ninth²³ and tenth²⁴ meetings, held at Geneva from 25 to 27 February and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. *Welcomes* the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system²⁵ and of the report containing the comments and observations of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert, and the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations,²⁶ taking into account further developments;

4. *Invites* the Secretary-General to continue to solicit the views of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the final report and to submit a further report thereon including his own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments;

5. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant

²² A/53/469.

²³ A/53/125, annex.

²⁴ A/53/432, annex.

²⁵ E/CN.4/1997/74, annex.

²⁶ E/CN.4/1998/85.

information without diverting resources from the development programmes and activities of the United Nations;

7. *Takes note with appreciation* of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child²⁷ and the plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights,²⁸ recalls the importance of administering those plans in accordance with established United Nations procedures, welcomes the information provided by the Secretary-General on the implementation of those plans, and requests him to include in his report prepared pursuant to the present resolution further information in this regard;

8. *Notes with interest* the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

9. *Reaffirms* the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

10. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

11. *Takes note with appreciation*, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to propose appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

12. *Invites* the Chairperson of the periodic meetings of the persons chairing the human rights treaty bodies to submit the reports of the meetings to the General Assembly at its fifty-fifth session;

13. *Welcomes* the initiative undertaken by the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue in the framework of their periodic meetings, and encourages them to continue this practice in the future;

14. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,²⁸ the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,²⁹ the Convention on the Elimination of All Forms of Discrimination against Women,³⁰ the

²⁷ Resolution 44/25, annex.

²⁸ See resolution 2200 A (XXI), annex.

²⁹ Resolution 2106 A (XX), annex.

³⁰ Resolution 34/180, annex.

Convention on the Rights of the Child²⁷ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³¹ which is being prepared with a view to identifying duplication of reporting required under those instruments;

15. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

16. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;

17. *Underlines* the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial reports;

18. *Requests* the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

19. *Reiterates its concern* about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

20. *Also reiterates its concern* about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

21. *Invites* States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

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

23. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

24. *Recalls* the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

25. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

26. *Notes* that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

³¹ Resolution 39/46, annex.

27. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

28. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

29. *Takes note* of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report on the effective implementation of international instruments on human rights²² and of other work being done by the Secretary-General on this subject;

30. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

31. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in this context, notes the recommendation made at their tenth meeting²⁴ that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;³²

32. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

33. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

34. *Decides* to continue to give priority consideration at its fifty-fifth session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

³² HRI/MC/1998/6.

Draft resolution III

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,³³ article 7 of the International Covenant on Civil and Political Rights,³⁴ the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³⁵ and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that the World Conference on Human Rights, held at Vienna in 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention, and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,³⁶

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³⁷ in particular, the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,³⁸

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, *inter alia*, through additional contributions to the Fund,³⁹

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

1. *Welcomes* the report of the Committee against Torture,⁴⁰ submitted in accordance with article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading

³³ Resolution 217 A (III).

³⁴ See resolution 2200 A (XXI), annex.

³⁵ Resolution 3452 (XXX), annex.

³⁶ A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.

³⁷ A/CONF.157/24 (Part I), chap. III.

³⁸ *Ibid.*, sect. II, paras. 54–61.

³⁹ *Ibid.*, para. 59.

⁴⁰ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 44 (A/53/44).*

Treatment or Punishment, and authorizes the Secretary-General to extend the spring sessions of the Committee by one additional week;

2. *Notes with appreciation* that one hundred and six States have become parties to the Convention;

3. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

4. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and that have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

5. *Urges* all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

6. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective when submitting reports to the Committee;

7. *Commends* the Office of the United Nations High Commissioner for Human Rights for the support given to States in the preparation of national reports for submission to the Committee;

8. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

9. *Takes note* of the efforts made by the open-ended working group of the Commission on Human Rights on the elaboration of an optional protocol to the Convention, which is intended to establish a preventive system of regular visits to places of detention, and urges the Commission on Human Rights to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

10. *Takes note with appreciation* of the interim report presented orally by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, describing the overall trends and developments with regard to his mandate;

11. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals, and to give serious consideration to his requests to visit their countries and to the follow-up to his recommendations;

12. *Approves* the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, in the elaboration of his report, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

13. *Stresses* the need for regular exchanges of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the programme on crime prevention and criminal justice, with a view to enhancing further their

effectiveness and cooperation on issues relating to torture, *inter alia*, by improving their coordination;

14. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. *Appeals* to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, preferably by the end of February, and if possible also with a substantial increase in the level of contributions, so that consideration may be given to the increasing demand for assistance;

16. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

17. *Requests* the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

18. *Expresses its appreciation* to the Board of Trustees of the Fund for the work it has accomplished;

19. *Requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

20. *Requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture and assist victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

21. *Invites* donor and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison personnel and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

22. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, United Nations International Day in Support of Victims of Torture;

23. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session a report on the status of the Convention and a report on the operations of the Fund;

24. *Decides* to consider the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur, at its fifty-fourth session under the appropriate sub-items of the agenda.