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COMMISSION ON HUMAN RIGHTS  
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**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS  
TREATY BODIES**

**Note by the Office of the United Nations High Commissioner for Human Rights\***

1. In its resolution 2002/85, on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, the Commission on Human Rights requested the Secretary-General to report at its sixtieth session on measures taken to implement that resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information for the effective implementation of the human rights treaty bodies. The present report is submitted pursuant to that request.

**Developments in the human rights treaty body system**

2. Since the adoption of resolution 2002/85, there have been a number of developments in the human rights treaty body system. The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, which entered into force on 18 January and 12 February 2002 respectively, attracted further ratification and accession, and the Committee on the Rights of the Child considered the first report submitted in accordance with the Optional Protocol on the involvement of children in armed conflict at its thirty-fourth session in September/October 2003. The amendment to article 43, paragraph 2, of the Convention on the Rights of the Child increasing the membership of the Committee from 10 to 18 members entered into force on 18 November 2002, and an enlarged Committee met for the first time in

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\* This document is submitted late so as to include the most up-to-date information possible.

May 2003. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, establishing a system of regular visits by national bodies and a subcommittee on Prevention of the Committee against Torture to visit places of detention, was adopted by the General Assembly in the annex to resolution 57/199 of 18 December 2002. In accordance with its article 87, the International Convention on the Rights of All Migrant Workers and Members of Their Families entered into force on 1 July 2003, and the first meeting of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families is scheduled to take place from 1 to 5 March 2004.

3. During the reporting period, treaty bodies have continued to develop their working methods. The Committee against Torture established a pre-sessional working group to facilitate its monitoring activities. The Human Rights Committee and the Committee against Torture introduced procedures to follow up their concluding observations in order to assist in the implementation of human rights treaties in States parties. These innovations - in particular the follow-up procedure of the Human Rights Committee - have been successful, with a high rate of response from the parties to which the procedure has been applied. Informal meetings between individual treaty bodies and States parties to discuss working methods and other issues have been convened by all treaty bodies. All chairpersons of human rights treaty bodies were invited to address the fifty-ninth session of the Commission on Human Rights, and four chairpersons were able to take advantage of this opportunity to brief the Commission on the work of their respective committee.

4. At its thirty-fourth session, which closed on 3 October 2003, the Committee on the Rights of the Child adopted a recommendation on its working methods in which it decided that, for an initial period of two years, it would consider the reports of States parties in two parallel chambers, each consisting of nine members of the Committee, taking account of equitable geographical representation. The Committee's recommendation was brought to the attention of the General Assembly at its fifty-eighth session (A/C.3/58/10). During its thirtieth session, which took place from 12 to 30 January 2004, the Committee on the Elimination of Discrimination against Women (CEDAW) discussed the option of meeting in parallel working groups for consideration of periodic reports, on the basis of a note submitted by the secretariat (CEDAW/C/2004/I/4/Add.2).

### **Streamlining reporting procedures**

5. Treaty bodies have devoted significant attention to the ideas of the Secretary-General in chapter II, section B, of his report "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), in which he emphasized the importance of continued efforts to modernize the human rights system. Against the background of growing delayed reporting or non-reporting by States parties to human rights treaty bodies, as well as the difficult demands reporting to six committees imposes on States parties, the Secretary-General suggested (a) that the committees craft a more coordinated approach to their activities; and (b) that they standardize their varied reporting requirements. He further suggested that each State be allowed to produce a single report summarizing its adherence to the full range of international human rights treaties to which it is a party (para. 51). The report on the management review of the Office of the High Commissioner for Human Rights, conducted by the Office of Internal Oversight Services during 2002, recommended that the High Commissioner consistently pursue consultations with the treaty bodies on the modalities for consolidating reports under the various treaty bodies into a

single national report with a view to achieving a steady progress towards this goal (A/57/488, para. 63). In its resolution 57/300, the General Assembly encouraged States parties to the human rights treaties and the respective treaty bodies to review the reporting procedures of the treaty bodies with a view to developing a more coordinated approach and to streamlining the reporting requirements under these treaties (para. 8).

6. Following discussions within their respective committee, the chairperson of each treaty body provided written responses to the letter of the High Commissioner for Human Rights of 1 November 2002 inviting views on the Secretary-General's proposals. A summary of these views is contained in the background document provided to a brainstorming meeting on the theme of treaty body reform organized jointly by OHCHR and the Government of Liechtenstein and held at Malbun, Liechtenstein, from 4 to 7 May 2003 (HRI/ICM/2003/3 and Add. 1). It was attended by representatives of all the treaty bodies, representatives of five States parties per regional group, United Nations entities, national human rights institutions and non-governmental organizations. The present background document and the report of the Malbun workshop (HRI/ICM/2003/4; see also A/58/123, annex) was considered by the second inter-committee meeting and by the fifteenth meeting of chairpersons of human rights treaty bodies, convened in Geneva from 18 to 20 June and 23 to 27 June 2003, respectively (A/58/350). Both these meetings acknowledged the human rights treaty reporting system to be positive and successful, providing for the creation of constituencies at the national level which encouraged implementation of human rights at the country level. Innovations by treaty bodies in follow-up to their recommendations contained in concluding observations/comments were welcomed, and strengthening of the role of national human rights institutions in the reporting system and its follow-up was encouraged.

7. The inter-committee meeting and the meeting of the chairpersons shared the concerns and objectives relating to the reporting system highlighted by the Secretary-General in his report. Both concluded, however, that although a State party was free to produce a single report, examining it would be an extremely difficult exercise, and it would not necessarily meet those concerns and objectives. Emphasis was placed on expanding the content of the core document, which would be regularly updated and submitted in tandem with treaty-specific targeted reports. The secretariat was requested to prepare draft guidelines for an expanded core document and harmonized reporting guidelines relating to all treaty bodies for the consideration of each committee and submission to the third inter-committee meeting, to be held in Geneva in June 2004.

8. The second inter-committee meeting also made recommendations, endorsed by the meeting of chairpersons, concerning consistency in the examination of States parties' reports by treaty bodies, cross-referencing of concluding observations/comments, collaboration on general comments/recommendations, the role of national human rights institutions, capacity-building, follow-up to concluding observations and the encouragement of timely reporting. The meeting of chairpersons noted that the inter-committee meeting provided a valuable forum for discussion and the opportunity to develop a consistent and coherent approach by treaty bodies to substantive human rights issues, and recommended that it be convened annually immediately prior to the annual meeting of chairpersons and that the two meetings should take place during the same one-week period.

9. In accordance with the request made by the second inter-committee meeting and the fifteenth meeting of chairpersons, draft guidelines for an expanded core document and harmonized guidelines for reporting to all treaty bodies are being prepared by the secretariat. Treaty bodies are being briefed on these preparations in the course of the first half of 2004. Further, in order to assist in ensuring a consistent approach amongst treaty bodies, the Treaties and Commission Branch of OHCHR, which provides technical and substantive servicing to the six Geneva-based committees, introduced a pooling system, whereby all staff of all the committee secretariats are available to support each of the treaty bodies.

### **Technical assistance provided to States parties**

10. As of 31 January 2004, 185 initial reports of States parties required under the various treaties were overdue, of which 114 had been overdue for more than five years. Furthermore, a total of 660 periodic reports from States parties were overdue. Treaty bodies encourage States parties with overdue reports to avail themselves of technical cooperation programmes provided by the United Nations to assist in reporting. With the exception of CEDAW, treaty bodies have adopted the practice of reviewing implementation in States parties whose reports are significantly overdue in the absence of a report.

11. The technical cooperation programmes of the United Nations in the field of human rights provide support, at the request of States, to efforts to meet reporting obligations through regional, subregional and national training workshops on reporting under the treaties. The United Nations fellowship programme in the field of human rights has traditionally been dedicated to reporting under the treaties. The report of the Secretary-General to the Commission on advisory services and technical cooperation in the field of human rights (E/CN.4/2004/99) contains details of these activities.

12. During the reporting period, OHCHR has organized two activities on the implementation of the concluding observations of human rights treaty bodies. From 27 to 29 August 2002, together with the Government of Ecuador, OHCHR organized a pilot workshop for dialogue on the concluding observations of the Committee on Human Rights in Quito, and from 17 to 19 December 2003, OHCHR organized a workshop on the implementation of the concluding observations of the Committee on the Rights of the Child in Damascus, Syrian Arab Republic. Participants in both activities included representatives of Governments, non-governmental institutions, national human rights institutions and entities of the United Nations system.

### **Individual complaints procedures**

13. The establishment at the end of 2000 of a dedicated Petitions Team to deal with individual communications submitted under the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Committee against Torture, to be headed by a P-5 as approved by the 2004-2005 programme budget, has resulted in a significant reduction in the delay in processing individual complaints. The average time taken to review a complaint has been reduced during the reporting period by 8 months, from 42 to 36 months, representing a 20 per cent improvement over the period 2000-2001. The Petitions Team prepared draft decisions and recommendations with respect to approximately 150 individual complaints

per year for the consideration of the treaty bodies. Of these, 115 have been considered by the Human Rights Committee, as compared to the 78 cases that were dealt with during the previous two years. The Human Rights Committee convened an additional one week of meetings during its seventy-eighth session in order to reduce the backlog in the consideration of pending registered individual complaints.

14. The delay in dealing with correspondence relating to individual complaints has been significantly reduced, with the only remaining backlog relating to complaints received in Russian, although this backlog is far less than during the period 2000-2001. Over 12,000 pieces of correspondence were dealt with during 2002-2003 as compared with 2000-2001. Speedier processing of correspondence has encouraged the submission of more individual complaints, in particular those directed to the Human Rights Committee, in respect of which the number of cases registered has risen from 102 in 2001-2002 to 170 in 2002-2003.

15. The creation of a database to manage individual complaints has greatly facilitated the case management capacity of the Petitions Team, serving as a tool for providing a clear picture of the status of cases before the treaty bodies. In line with the Secretary-General's reform programme, and in order to streamline the procedures and practices of the treaty bodies, efforts are under way to ensure the functioning of the interactive database on communications between OHCHR and the Division for the Advancement of Women of the Secretariat. The Division processes communications received under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in December 2000. The Petitions Team trained staff of the Division in relation to petitions and the database in December 2002.

### **Dissemination of the work of human rights treaty bodies**

16. Efforts to develop and harmonize the various electronic databases concerning the human rights treaty bodies have continued, as have those to strengthen the pages of the web sites of OHCHR and the Division for the Advancement of Women relating to their work. A listserv allowing for the automatic dissemination of the concluding comments/recommendations and decisions of treaty bodies on individual communications has also been established by the Office.

17. The Office is also exploring the possibility of developing information technology tools to assist in reporting, both with regard to the compilation and production of reports by States parties and the processing of reports by the treaty bodies.

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