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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-sixth session
Item 6 of the provisional agenda

SPECIFIC HUMAN RIGHTS ISSUES

Note by the Secretary-General*

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 2003 and 1 June 2004 in fields with which the Sub-Commission has been previously concerned.

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 2004, 149 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 152 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights, 104 States had ratified or acceded to the Optional Protocol to the latter Covenant and 52 States had ratified or acceded to the Second Optional Protocol aiming at the abolition of the death penalty. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 47 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its seventy-eighth, seventy-ninth and eightieth sessions, held in July and October/November 2003 and March 2004, respectively, the Committee considered 14 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights, as well as one country situation in the absence of a report.

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

4. At the three sessions, the Committee also adopted 32 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 3 decisions declaring complaints admissible and 31 decisions declaring complaints inadmissible. Twenty-one cases were discontinued without a formal decision.

5. A report on the Committee's seventy-sixth to seventy-eighth sessions was submitted to the General Assembly at its fifty-eighth session (A/58/40) and a report on its seventy-ninth to eighty-first sessions will be submitted to the General Assembly following the Committee's eighty-first session in July/August 2004.

Committee on Economic, Social and Cultural Rights

6. At its thirty-first and thirty-second sessions, held in November 2003 and May 2004, respectively, the Committee on Economic, Social and Cultural Rights (CESCR) considered reports submitted by 10 States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The Committee subsequently adopted its concluding observations thereon.

7. At its thirty-first session the Committee, under agenda item "Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights", held a day of general discussion on the right to work (article 6 of the International Covenant on Economic, Social and Cultural Rights) at which participated representatives of specialized agencies, trade unions, non-governmental organizations, and individual experts (E/C.12/2003/7 and E/C.12/2003/12).

8. The Committee also discussed and adopted a letter addressed to the Food and Agriculture Organization of the United Nations Intergovernmental Working Group on the elaboration of voluntary guidelines to support the progressive realization of the right to adequate food.

9. The Committee, at its thirty-second session, addressed a number of substantive issues. As follow-up to its day of general discussion on the right to work, the Committee began its consideration of a draft general comment on the right to work (article 6 of the Covenant). The Committee decided to continue consideration of the draft general comment on article 6 of the Covenant at its thirty-third session (8-26 November 2004). The Committee also continued its discussion of a draft general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights on the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, which it intends to adopt at its thirty-third session in November 2004. The Committee also decided that at that session, it will begin its consideration of a draft general comment on article 15 (c) of the Covenant on the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

10. On 6 May 2004, the Committee had a meeting with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the Commission on Human Rights open-ended working group to consider options regarding the elaboration of an optional protocol to the Covenant. The Committee designated, in response to resolution 2004/29 of the Commission on Human Rights,

in which the Commission invited a representative of the Committee to attend meetings of the working group as a resource person (para. 14 (c)), Mr. Eibe Riedel to represent the Committee at the next meeting of the working group. Mr. Giorgio Malinverni was designated alternate.

11. During the same session, the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the right to education held its second meeting on 3 and 4 May 2004 at Geneva, Palais des Nations. It decided that the third meeting of the Joint Expert Group on the Monitoring of the Right to Education would be held in Paris, at UNESCO headquarters, during the next session of the Committee (8-26 November 2004).

12. The Committee's report on its thirtieth and thirty-first sessions (E/2004/22) will be before the Economic and Social Council at its substantive session of 2004.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

13. As at 10 June 2004, 169 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. Forty-five States parties had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of violation by those States parties of any of the rights set forth in the Convention.

Committee on the Elimination of Racial Discrimination

14. During its sixty-third and sixty-fourth sessions, held in August 2003 and March 2004, respectively, the Committee considered reports submitted by 20 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in two States parties whose reports were seriously overdue, and adopted two decisions under its early warning and urgent action procedure.

15. At the two sessions, the Committee also examined communications from individuals and groups of individuals under article 14 of the Convention. It adopted one decision declaring a complaint admissible and one decision declaring a complaint inadmissible. The Committee also adopted one opinion and one response to the observations of a State party by way of follow-up to an opinion.

16. At its sixty-fourth session, the Committee held a thematic discussion on non-citizens and non-discrimination in which Mr. David Weissbrodt, Special Rapporteur on the rights of non-citizens, took part. Representatives of States parties, independent experts, specialized agencies and other competent bodies, including non-governmental organizations, also contributed to the discussion.

17. The Committee submitted the report on its sixty-second and sixty-third sessions to the General Assembly at its fifty-eighth session (A/58/18), and the report on its sixty-fourth and sixty-fifth sessions will be submitted to the General Assembly at its fifty-ninth session (A/59/18) following the Committee's sixty-fifth session.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

18. As at 1 June 2004, the Convention had been ratified or acceded to by 136 States.

Committee against Torture

19. The Committee against Torture submitted a report on its twenty-ninth and thirtieth sessions to the General Assembly at its fifty-eighth session (A/58/44). At its thirty-first and thirty-second sessions, held in November 2003 and May 2004, respectively, the Committee considered 13 reports submitted by States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. The Committee will include a summary account of the results of the proceedings relating to an inquiry in its report to the General Assembly at its fifty-ninth session. Furthermore, at its two sessions, the Committee considered a total of 24 communications. It took decisions to declare one communication admissible and five inadmissible. In addition, the Committee adopted views in respect of 18 communications. Information on the Committee's thirty-first and thirty-second sessions will be contained in the annual report to the General Assembly at its fifty-ninth session referred to above.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

20. As at 21 May 2004, the Convention on the Rights of the Child had been ratified or acceded to by 192 States. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified by 72 States parties, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by 72 States.

21. At its thirty-fourth, thirty-fifth and thirty-sixth sessions, held in September/October 2003, January 2004 and May/June 2004, respectively, the Committee on the Rights of the Child considered 7 initial and 20 second periodic reports submitted under article 44 of the Convention on the Rights of the Child.

22. At its thirty-fourth session, the Committee held a discussion day on the theme "The right of indigenous children". The Acting High Commissioner for Human Rights opened the meeting. Representatives of States parties, United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, contributed to the discussion and provided expert advice.

23. During the reporting period, the Committee adopted general comments Nos. 4 and 5 on adolescent health and development in the context of the Convention on the Rights of the Child, and on general measures of implementation for the Convention on the Rights of the Child, respectively.

General Assembly

24. At its fifty-eighth session, the General Assembly, in its resolution 58/157, inter alia, requested the Secretary-General to submit to the Assembly at its fifty-ninth session a report on the rights of the child, containing information on the status of the Convention.

Commission on Human Rights

25. The Commission, at its sixtieth session, adopted resolution 2004/48 on the rights of the child, in which it addressed the implementation of the Convention on the Rights of the Child and other instruments; protection and promotion of the rights of the child, including such issues as identity, family relations and birth registration, health, education and freedom from violence; non-discrimination, including with respect to the girl child, children with disabilities and migrant children; protection and promotion of the rights of children in particularly difficult situations, including children working and/or living on the streets, refugee and internally displaced children, child labourers and children alleged to have or recognized as having infringed penal law; prevention and eradication of the sale of children, child prostitution and child pornography; protection of children affected by armed conflict; recovery and social reintegration.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

Meeting of chairpersons of human rights treaty bodies

26. The chairpersons of the human rights treaty bodies held their 15th annual meeting from 23 to 27 June 2003 at the United Nations Office at Geneva. The report of this meeting, containing the suggestions and recommendations of the chairpersons, has been issued as a document of the General Assembly at its fifty-eighth session (A/58/350).

27. The 16th annual meeting will be held from 23 to 25 June 2004 at Geneva. As in the past, the Chairperson of the Sub-Commission has been invited to present the recent developments in the work of the Sub-Commission that are relevant to the work of the treaty bodies and to discuss possible areas of cooperation. The chairpersons will also hold discussions with representatives of States, United Nations agencies, funds and programmes, non-governmental organizations and the Expanded Bureau of the sixtieth session of the Commission on Human Rights. The 5th joint meeting with the mandate-holders of special procedures of the Commission on Human Rights will focus on terrorism and its impact on the mandates of treaty bodies and special procedures. The report of the 16th annual meeting of the chairpersons of the human rights treaty bodies will be submitted to the General Assembly at its fifty-ninth session.

Inter-committee meeting

28. The second inter-committee meeting was held from 18 to 20 June 2003 at the United Nations Office at Geneva. The meeting was held pursuant to a recommendation of the chairpersons of the human rights treaty bodies during their 13th meeting in June 2001 to hold a

meeting to consider the subject of methods of work and reservations to the human rights treaties. The report of the meeting (A/58/350, annex) contained recommendations for all of the treaty bodies on these issues. Each committee was represented, as far as possible, by its chairperson and two other members.

29. The third inter-committee meeting will be held in Geneva from 21 to 22 June 2004. The main topics of discussion will be the draft guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines for reporting under the main international human rights treaties, as well as the implementation of recommendations of the first inter-committee meeting.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

30. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 on 18 December 1990 and entered into force on 1 July 2003. As of 1 June 2004, there were 25 States parties to the Convention, namely: Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Kyrgyzstan, Mali, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Timor Leste, Uganda and Uruguay.

31. In its resolution 58/166, the General Assembly once again called upon all Member States that had not yet ratified the Convention to consider urgently signing and ratifying or acceding to it.

32. The Commission on Human Rights, at its sixtieth session, adopted a similar resolution (2004/56).

33. The First Meeting of States Parties to the Convention was held in New York on 11 December 2003 in order to elect the 10 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The following members were elected to the Committee established under article 72 for the purpose of reviewing the application of the Convention: Mr. Francisco Alba (Mexico)*, Mr. Jose Serrano Brillantes (Philippines)**, Mr. Francisco Carrión-Mena (Ecuador)*, Ms. Ana Elizabeth Cubias Medina (El Salvador)*, Ms. Anamaría Dieguez (Guatemala)**, Mr. Ahmed Hassan El-Borai (Egypt)*, Mr. Abdelhamid El Jamri (Morocco)*, Mr. Arthur Shatto Gakwandi (Uganda)**, Mr. Prasad Kariyawasam (Sri Lanka)** and Mr. Asad Taghizade (Azerbaijan)**.

* Term of office expires on 31 December 2007.

** Term of office expires on 31 December 2005.

34. At its first session, from 1 to 5 March 2004, the Committee held discussions with the Special Rapporteur of the Commission on the human rights of migrants, the Special Rapporteur of the Sub-Commission on the rights of non-citizens, experts of other treaty bodies, staff of the Office of the High Commissioner for Human Rights, specialized agencies, organs of the United Nations, intergovernmental organizations and other concerned bodies such as the International Labour Organization, the International Organization for Migration, the United Nations Children's Fund and the United Nations High Commissioner for Refugees, non-governmental organizations and States parties. The Committee also adopted its provisional rules of procedure and discussed its methods of work. The members of the Committee stressed, inter alia, the importance of the advocacy role in promoting further ratifications to the Convention.

35. Mr. Prasad Kariyawasam was elected Chairperson of the Committee. Dates for future sessions have still to be determined.
