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ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

The universal implementation of international human rights treaties*

**Preliminary report prepared by the Special Rapporteur responsible
for conducting a detailed study of the universal implementation of
international human rights treaties, Emmanuel Decaux****

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Summary

In its decision 2004/123, adopted on 21 April 2004, the Commission on Human Rights, “taking note of resolution 2003/25 of 14 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux Special Rapporteur to conduct a detailed study of the universal implementation of international human rights treaties based on his working paper (E/CN.4/Sub.2/2003/37), the comments made and the discussions that took place at the fifty-fifth session of the Sub-Commission ... The Commission also endorses the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out its mandate, inter alia in his contacts with States”.

The present study must address two concepts that are indissociable: the international obligations of States under international public law and the effective implementation of these commitments at the domestic level, in both legal and practical terms. The aim of the mandate expressly given to the Special Rapporteur is therefore to transcend any legal duality in order to take account of the implementation of international commitments, beyond the formal aspects of treaty law, focusing on the actual nature of human rights. The working paper contained in document E/CN.4/2003/Sub.2/37 began by surveying the situation, listing all the commitments of the 1993 World Conference on Human Rights, in keeping with the Charter of the United Nations.

Without wishing to conduct a thorough review of the earlier work done by the Sub-Commission, particularly the important studies by Mr. Kartashkin on observance of human rights by States which are not parties to United Nations human rights conventions (E/CN.4/Sub.2/1999/29 and E/CN.4/Sub.2/2000/2) and the work being done by Ms. Françoise Hampson on the question of reservations to human rights treaties, there is nevertheless a need to define in the present report the scope of the study requested by the Commission.

Defining the scope of the study, in theoretical and practical terms, constitutes the essence of this preliminary report, which spells out the legal aspects of the issue in the context of international public law and describes the recent activities undertaken by the Secretariat and the Commission. The report goes on to outline several directions for work in an effort that seeks to be both open and flexible while taking the d in the Sub-Commission into account. In future work, the Special Rapporteur intends to address the two main subject areas suggested by decision 2004/123 and focus not only on the universal ratification of treaties but also on the universal implementation of international human rights instruments.

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Introduction

1. In its decision 2004/123, adopted on 21 April 2004, the Commission on Human Rights, “taking note of resolution 2003/25 of 14 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux Special Rapporteur to conduct a detailed study of the universal implementation of international human rights treaties based on his working paper (E/CN.4/Sub.2/2003/37), the comments made and the discussions that took place at the fifty-fifth session of the Sub-Commission ... The Commission also endorses the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out its mandate, inter alia in his contacts with States”.

2. The initial aim of the study submitted to the Sub-Commission at its previous session (E/CN.4/Sub.2/2003/37) was to identify “issues and modalities for the effective universality of international human rights treaties”. The debate that led to the unanimous adoption of Sub-Commission resolution 2003/25 made a useful contribution to broadening the scope of the study, as may be seen from the title of the resolution, which stresses not only “effective universality” but also “the universal implementation” of the relevant instruments. Accordingly, the study must address two indissociable concepts: the international obligations of States under international public law and the effective implementation of these commitments, in both legal and practical terms, at the domestic level. The aim of the mandate expressly given to the Special Rapporteur is therefore to transcend any legal duality in order to take account of the implementation of international commitments, beyond the formal aspects of treaty law, focusing on the actual nature of human rights. This approach is in keeping with the underlying aims of the Charter of the United Nations, which seeks to “achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all ...” (Art. 1, para. 3). In the same spirit, Article 55 expressly mentions “universal respect for, and observance of, human rights and fundamental freedoms for all ...”, while States pledge themselves, in the following Article, “to take joint and separate action in cooperation with the Organization” (Art. 56).

3. The study contained in document E/CN.4/2003/Sub.2/37 began by surveying the situation, listing all the commitments of the 1993 World Conference on Human Rights, in keeping with the Charter of the United Nations. It is unfortunate that the tenth anniversary of the Vienna Declaration was not the occasion for an official review of the solemn commitments undertaken by States in 1993. While the Commission’s agenda does contain an item - item 4 - on the report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights, it is significant that the only resolution adopted under the item (resolution 2004/2) concerns the strengthening of the High Commissioner’s Office. It is under other headings that some aspects of those problems are dealt with, for example in the resolution entitled “Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights”, adopted each year by consensus (resolution 2004/78 of 21 April 2004, submitted by Canada under agenda item 18, “Effective functioning of human rights mechanisms”), or in resolutions that deal with several instruments, beginning with the International Covenants (“Status of the International Covenants on Human Rights” (resolution 2004/69 of 21 April 2004, submitted by Finland under agenda item 17, “Promotion and protection of human rights”). Other instruments are mentioned under various thematic

agenda items, such as resolution 2004/56, entitled “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”, submitted by Mexico under agenda item 14, or - although the instrument does not appear formally in its title - resolution 2004/48, entitled “Rights of the child”, submitted by Uruguay under agenda item 13.

4. Without wishing to conduct a thorough review of the Sub-Commission’s earlier work, and in particular the important studies by Mr. Kartashkin on observance of human rights by States which are not parties to United Nations human rights conventions (E/CN.4/Sub.2/1999/29 and E/CN.4/Sub.2/2000/2) and the work being done by Ms. Françoise Hampson on the question of reservations to human rights treaties, which gave rise to an initial exchange of views between the Sub-Commission and the International Law Commission last year, the scope of the study requested by the Commission (chap. I) nevertheless needs to be defined in the context of this preliminary report before going on to outline working hypotheses (chap. II).

I. SCOPE OF THE STUDY

5. The study has a twofold legal framework - theoretical and practical. While the Special Rapporteur wishes his approach to be principally empirical, it may be useful to identify the legal issues involved from the standpoint of public international law.

A. Theoretical framework

1. The notion of international instruments

6. An initial series of questions that must be settled at the outset concerns the subject of the report, in that the title of Commission decision 2004/123 in French is “*L’application universelle des instruments internationaux relatifs aux droits de l’homme*”, while the English version reads “The universal implementation of international human rights treaties”. It should be noted that, despite its title, decision 2004/123 is a word-for-word rendering of the Sub-Commission’s recommendation in paragraph 6 of resolution 2003/25 which refers to “a detailed study of the universal implementation of international human rights treaties”. At this stage in his work, the Special Rapporteur considers it helpful to keep an open mind on this question.

7. The notion of international instruments is far broader than that of treaties, since it includes the unilateral acts of international organizations and agreed instruments that are not treaties as well as treaties proper. One need only consult *A Compilation of International Instruments* published by the Office of the United Nations High Commissioner for Human Rights to be convinced of this, for this volume takes pains to specify that “The legal status of the instruments contained in the compilation varies. *Declarations, principles, guidelines, standard rules and recommendations* have no binding legal effect. Nevertheless, such instruments have an undeniable moral force and provide practical guidance to States in their conduct. The value of such instruments rests on their recognition and acceptance by a large number of States and, even without binding effect, they may be seen as declaratory of broadly accepted goals and principles within the international community.”¹

8. Emphasis is placed on the notion of instruments to highlight the formal nature of the acts (*instrumentum*) and not the substantive content of the obligations, thus leaving intact the whole dialectic between treaty and customary human rights sources, particularly in the area of

international humanitarian law.² The range of human rights treaties is already sufficiently vast to permit an initial approach to the topic of the report, but the Special Rapporteur cannot forget that his mandate ultimately concerns “the universal implementation of international human rights treaties”, and therefore the very substance of those treaties. Rather than the form of the “instruments”, what needs to be explored is the whole range of international human rights obligations that States must shoulder.

2. The notion of universal treaties

9. The notion of universal treaties covers very different situations. Treaties may be adopted within the framework or under the auspices of an international organization, such as the United Nations. In its Advisory Opinion of 28 May 1951 on reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice was concerned to note “the clearly universal character of the United Nations under whose auspices the Convention was concluded, and the very wide degree of participation envisaged by Article XI of the Convention”.³ The Court also analysed the origins of the Convention on the Prevention and Punishment of the Crime of Genocide, which the General Assembly described in its resolution 96 (I) as “a crime under international law”, contrary to moral law and to the spirit and aims of the United Nations. “The first consequence arising from this conception is that the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation. A second consequence is the universal character both of the condemnation of genocide and of the cooperation required ‘in order to liberate mankind from such an odious scourge’ (Preamble to the Convention). The Genocide Convention was therefore intended by the General Assembly and by the contracting parties to be definitely universal in scope.”⁴ Here the Court stressed the nature of the Convention as an “open treaty” and the flexibility which that implied in terms of reservations, even though the minority judges believed “that the integrity of the terms of the Convention is of greater importance than mere universality in its acceptance”.⁵

10. The same problem is to be found throughout the codification of treaty law. Universality tends to be expressed in the negative, in the refusal to exclude a State or a category of States. This is the sense of the expression “all States” as used in a declaration on universal participation in the Vienna Convention on the Law of Treaties: “Convinced that multilateral treaties concerning the codification and progressive development of international law, or whose object and purpose are of concern to the international community as a whole, should be open to universal participation”, the Conference referred to the final clauses of the Convention in inviting the General Assembly “to ensure the widest possible participation in the Vienna Convention on the Law of Treaties”.⁶

11. At the same time, however, a positive conception of universality emerges from the case law of the International Court of Justice, with the *Barcelona Traction* case. In its Judgment of 5 February 1970, the Court invoked the “obligations of the State towards the international community as a whole”, which are *erga omnes* obligations, and then went on to state: “Such obligations derive, for example, in contemporary international law, from the outlawing of acts of aggression, and of genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination. Some of the corresponding rights of protection have entered into the body of general international law

(*Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Reports 1951*, p. 23); others are conferred by international instruments of a universal or quasi-universal character.”⁷

12. While this concept of universality in human rights is reflected in the Vienna Declaration of 1993 to some extent, there is no need at this preliminary stage to go into details as regards the assimilation by the International Court of Justice of “universal” and “quasi-universal” instruments. This apparent blending of the two is in keeping with the growing importance of the notion of *jus cogens* embodied in the 1969 Vienna Convention on the Law of Treaties, and tends to favour residually the effect of treaties on non-parties; yet one may well ask whether a clear distinction ought not to be drawn between the two notions, in quantitative as well as qualitative terms. Looking at the issue more pragmatically, “The World Conference on Human Rights welcomes the progress made in the codification of human rights instruments, which is a dynamic and evolving process, and urges the universal ratification of human rights treaties. All States are encouraged to accede to these international instruments; all States are encouraged to avoid, as far as possible, the resort to reservations.”⁸

3. The notion of human rights treaties

13. The notion of human rights treaties is difficult to define in theoretical terms.⁹ In the absence of a hard and fast definition, the danger is to resort to approximate solutions which may be hazardous. To refer to core instruments, as is often the case, seems to suggest a de facto or de jure hierarchy among international treaties. It also restricts the scope of the report, whereas the World Conference on Human Rights referred not only to human rights conventions in the strict sense, but also to the Geneva Conventions and their two Protocols as well as to the Rome Statute of the International Court, which was in gestation at that time. Moreover, a reference to the conventions concluded under the auspices of the International Labour Organization (ILO) or the United Nations Educational, Scientific and Cultural Organization (UNESCO) should not be omitted from an overall picture of universally adopted instruments. To focus on the seven main treaties which have established monitoring bodies is hardly more satisfactory, since it means passing over a number of very important and sometimes much older treaties, whereas attention ought to be paid to the shortcomings of these “orphan conventions” which lack any institutional follow-up.¹⁰ The emphasis placed recently on the prevention mechanisms that should be introduced to make the 1948 Convention on the Prevention and Punishment of the Crime of Genocide more efficient reflects this new concern.

14. Conversely, it must be admitted that a systematic inventory would be an impossible task. The sixth (2002) edition of the *Compilation of International Instruments* published by the United Nations,¹¹ which combines declaratory and treaty law, runs to nearly 1,000 pages. The list of the main international treaties on the web site of the Office of the United Nations High Commissioner for Human Rights, on the other hand, focuses on the seven treaties covered by treaty bodies and their five protocols. Between these two extremes, the list of the main “universal instruments” updated annually by UNESCO comprises 53 treaties and protocols, including 15 ILO conventions, the four Geneva Conventions and their two Additional Protocols, and two UNESCO conventions.¹² This broad approach to the subject gives a good overall view of State commitments compiled according to the different types of instruments (see annex, table 1).

15. The practice followed by the Secretary-General of the United Nations in the exercise of his depositary functions is hardly more enlightening,¹³ in the first place because it does not cover the full scope of the study, but more especially because it is in no sense systematic. The document reporting the status of multilateral treaties deposited with the Secretary-General includes a chapter on human rights (chap. IV) which lists 14 treaties in force, from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁴ Yet other chapters are just as relevant for human rights, beginning with chapter V, on refugees and stateless persons, with four conventions; chapter VII, on traffic in persons, with 11 conventions; and chapter XVI, on the status of women, with three conventions.¹⁵ These lists are plainly not organized in any juridical or even logical order, and there is, moreover, an obvious contradiction between the concern of exhaustiveness and that of clarity.

16. On the occasion of the Millennium Summit, the Secretary-General made a solemn appeal for ratification on the basis of a list of “multilateral treaties deposited with the Secretary-General representative of the Organization’s key objectives”. This list of 13 instruments contained 13 human rights treaties, including three draft protocols that had not yet entered into force.¹⁶ Similarly, every year, when the General Assembly is in session, the Secretary-General establishes a theme to mobilize the deposit of instruments relating to treaties for which he is the depositary, as part of his campaign for universal participation. After “Rights of Women and Children” in 2001, “Sustainable Development” in 2002 and “Against Transnational Organized Crime and Terrorism” in 2003, the theme for 2004, on the occasion of the fifty-ninth session of the General Assembly, is “Treaties on the Protection of Civilians”. In a letter to Member States dated 12 March 2004, the Secretary-General mentions the publication of a work on this topic “which summarizes the objectives and key provisions of the selected treaties” and announces the treaty event scheduled for 21-24 September 2004. The Treaty Section web site provides the “List of 24 Multilateral Treaties on the Protection of Civilians”. This is not the place to question the appropriateness or effectiveness of a sectoral approach to the depositary’s function, but it seems somewhat simplistic to refer to universal human rights treaties under a generic title referring to “the protection of civilians”.¹⁷ Given the absence of rigour on the part of the United Nations legal service, it is the practice of the Organization that is the most illuminating (see annex, table 2).

B. Practical framework

1. Institutional practice

17. Since the World Conference on Human Rights and the Millennium Summit, the Secretary-General’s policy towards ratification has been an aggressive one. In his latest report on the work of the Organization, he devotes part of chapter IV, significantly entitled “The international legal order and human rights”, to “Human rights development” and says:

“As the Organization acknowledges such areas of progress and also the challenges that it faces in the field of human rights, it is important to note the large areas of common ground among the membership on such issues and to build on them in enhancing international cooperation for the effective protection of human rights in the future. The number of ratifications of international human rights treaties has continued to

increase, consistent with one of the goals of the United Nations Millennium Declaration. Over the past 12 months, five new States have become parties to the International Convention on the Elimination of All Forms of Racial Discrimination; one to the International Covenant on Civil and Political Rights; one to the International Covenant on Economic, Social and Cultural Rights; four to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; one to the Convention on the Rights of the Child; five to the Convention on the Elimination of All Forms of Discrimination against Women; and three to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force on 1 July 2003. There have also been additional ratifications to the two Optional Protocols to the International Covenant on Civil and Political Rights, the two Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. I should like to use this occasion to appeal, once more, to States that have not yet done so to ratify or accede to the fundamental international human rights treaties.”¹⁸

18. Although the goal is plainly reaffirmed, the same lack of clarity as to the means mobilized and the same lack of any specific evaluation of the results obtained beyond the statistical data can be seen in the various technical documents submitted to the Commission on Human Rights. The useful information is dispersed throughout documents that are purely descriptive. The “Status of the International Covenants on Human Rights” (E/CN.4/2004/85) has to be supplemented by a detailed report on the “question of the death penalty” (E/CN.4/2004/86), under agenda item 17. The “Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (E/CN.4/2004/52), meanwhile, is considered under agenda item 11, the “Status of the Convention on the Rights of the Child” (E/CN.4/2004/67) under item 13 and the “Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts made by the Secretariat to promote the Convention” (E/CN.4/2004/73) under item 14. The Commission considers the report on the International Convention on the Elimination of All Forms of Racial Discrimination globally, in the context of the question of racism, while the activities of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in the context of the Commission on the Status of Women, once again making any kind of overall approach impossible.

19. The Commission itself adopts a resolution on the status of the International Covenants on Human Rights every two years, invariably stating that it is “mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights”, and going on to reaffirm “the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms” (resolution 2004/69, para. 1).

20. In its resolution 2002/78, adopted without a vote on 25 April 2002, the Commission displays a certain degree of voluntarism:

“2. *Welcomes* the initiative of the Secretary-General at the Millennium Summit to invite heads of State and Government to sign and ratify the International Covenants on Human Rights and expresses its deep appreciation to those States that have done so;

3. *Appeals* strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of that Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of technical cooperation and advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence.”¹⁹

21. The Commission takes the same urgent tone in resolution 2004/69, adopted without a vote on 21 April 2004, when it “appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to *consider, as a matter of priority*, acceding to the Optional Protocols to the International Covenant on Civil and Political Rights and making the declaration provided for in article 41 of that Covenant” (para. 2) and reiterates the invitation to the High Commissioner (para. 3). The new wording of paragraph 2 is the result of an oral amendment by Finland, which sponsored the draft resolution (E/CN.4/2004/L.108), in a spirit of consensus: “In order to accommodate some of the concerns that had been raised by interested delegations during open-ended consultations regarding operative paragraph 2, the word ‘accede’ had been replaced by the words ‘to consider acceding, as a matter of priority’ (...).”²⁰ This amendment was supported by States such as Japan and the United Kingdom which, despite not having signed the first Protocol, had joined in sponsoring the draft resolution. The delegation of the United States of America, however, endeavoured to obtain further concessions: “Ms. Gorove said that, although the draft resolution fulfilled an important role in reaffirming the value and relevance of the International Covenants on Human Rights, each sovereign State had the right to decide for itself, on the basis of its own needs and legal system, whether or not to ratify a particular instrument. She proposed that, in operative paragraph 2, the word ‘become’ should be replaced by the words ‘consider as a matter of priority becoming’ and that the words ‘as a matter of priority’, as proposed by the representative of Finland, should be deleted after the words ‘to consider acceding’. The draft resolution should reflect the stance taken in other resolutions on the matter, namely that States should accord greater priority to becoming parties to the International Covenants than to acceding to the Optional Protocols.”²¹ The argument is surprising from several points of view; in the first place, because it seems to go back on the spirit and letter of the Vienna Declaration, by placing emphasis on State sovereignty even if it means trivializing the universal human rights instruments which, looking beyond the “needs” of individual legal systems, are directed at the

general interest of the international community by ensuring collective observance of human rights; and secondly, because a change in priority in respect of the ratification of the Covenants makes the ratification of the Protocols a secondary concern, whereas that is certainly the most urgent task for States parties, since the two objectives can perfectly well be contemplated in parallel.²² Looking beyond the technical arguments, it is significant that the amendment voted at the request of Sweden obtained only five votes, notably from States that are not parties to the Covenants, such as Bahrain, Indonesia and Saudi Arabia, and India, which has not signed the Protocols, while 40 members of the Commission voted against the United States amendment and 8 abstained - Bhutan, Burkina Faso, China, Cuba, Egypt, Pakistan, Qatar and the Sudan.²³ Following the vote on the United States amendment, the resolution as a whole was adopted by consensus.

22. This was not the case of resolution 2004/48 on the rights of the child, which was adopted by 52 votes to 1 in a vote on 20 April 2004. In Part I of the resolution, on implementation of the Convention on the Rights of the Child and other instruments, the Commission “urges once again the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them” (para. 1). In the case of resolution 2004/56 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted without a vote on 20 April 2004, the wording is cautious: the Commission, which “acknowledges with appreciation” the entry into force of the Convention and “welcomes” the signing or ratification of or accession to the Convention since then by other States, “calls upon all States that have not yet done so to consider urgently signing and ratifying or acceding to the Convention” (para. 3). Lastly, the Commission “welcomes the increasing activities of the International Steering Committee of the Global Campaign for the Ratification of the Convention” (para. 11) [see annex, table 3].

2. Treaty practice

23. It would be interesting to look into the role that State party conferences could play in this regard. States that are not parties, invited as observers, could be more active if they were allowed to express their fears or their reservations and engage in an informal dialogue on common concerns.

24. Similarly, at this stage of the study it will simply be noted that the treaty bodies by definition have few ways of making contact with States that are not parties, but that their role in informing and raising the awareness of States parties can be an important one, in particular as regards the acceptance of optional procedures, the reviewing of reservations that have been formulated and the ratification of new protocols. The manner in which this dialogue, which transcends the context of a State party’s obligations, has gradually developed could also usefully serve to identify good practice. Current thinking about strengthening the United Nations system and the “effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights”, in accordance with Commission resolution 2004/78, adopted without a vote on 21 April 2004, should also be taken into account.

25. As things stand, the field of vision of the existing treaty bodies is doubly limited. In the first place, they function in a compartmentalized fashion, despite recent efforts at coordination and the technical possibilities that exist for cross-checking information. A State that has ratified all the instruments may systematically default on the submission of all of its reports, yet this cumulative failure is not taken into account for warning purposes. Conversely, when the Commission draws the attention of the treaty bodies to the deterioration of the human rights situation in a specific country, as has happened in the case of Turkmenistan for the past two years, for example, there is no provision for an official transmission mechanism. Secondly, the treaty bodies' documentation, like that of the Secretariat mentioned earlier, gives only a "positive" image of the status of ratifications, making the overall picture difficult to interpret, whereas a "negative" image would be far more informative in that it would emphasize political priorities, as it ought to.

26. In this sense, the dialogue between the chairpersons of the Commission's treaty bodies could become meaningful and provide a valuable opportunity for meetings with non-party States. Looking at the Commission's composition at its sixtieth session in 2004, 9 out of the 53 member States - Bahrain, Bhutan, Cuba, Indonesia, Mauritania, Pakistan, Qatar, Saudi Arabia and Swaziland - had not yet ratified the two Covenants. A further three States had only ratified one Covenant - South Africa and China had only ratified the first and the United States only the second. Would it not be useful to take advantage of the presence of the treaty body chairpersons at the Commission to replace the current cacophony with a genuine working session with member States, giving "priority" to those that are not yet parties to the Covenants or other instruments? It would afford an opportunity for making public the list of States that had become parties in the course of the year and the list of States that had not yet signed or ratified the instruments in question.

3. Diplomatic practice

27. This last area is included simply for the record, as it is so vast. Diplomatic practice may take place between States through international consultations. A good example is the dialogue initiated between the European Union and China on the ratification and implementation of the two Covenants. The dialogue is conducted at the highest political level, but also in the academic sphere, involving a network of university experts and representatives of civil society. In a joint declaration adopted on 27 January 2004 by the two Presidents, France and China "confirm the importance of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international conventions. China has created a working group to ratify in a timely fashion the International Covenant on Civil and Political Rights. The two Parties underscore the importance of the Euro-Chinese dialogue on human rights and seek to strengthen it".²⁴ President Hu Jintao, speaking at the National Assembly in Paris, also told the French deputies that China had acceded to 21 international human rights conventions. The National People's Congress of China (NPC) had already ratified the International Covenant on Economic, Social and Cultural Rights, and the Chinese Government was in the process of considering major issues relating to the International Covenant on Civil and Political Rights which, once all conditions had been met, would be submitted to the NPC for ratification.²⁵

28. Non-governmental organizations (NGOs) may also be directly involved in diplomatic practice; in this respect, Amnesty International's annual report provides a very useful synoptic table of the status of the ratification of a selected number of human rights treaties.²⁶ Other NGOs do the same in their own specialized fields, with information and awareness-raising campaigns, particularly for the most recent instruments, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the new protocol to the Convention against Torture or the ratification of the Rome Statute of the International Criminal Court. It is obvious that independent NGOs, whether national or international, have an important role to play in encouraging States to ratify and comply with existing international instruments.

29. The informal consultations bringing together participants from different backgrounds should also be mentioned. The Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme joined with the Asia-Pacific Forum of National Human Rights Institutions and the Commonwealth Secretariat to organize a consultation on human rights in the Pacific, in Fiji from 1 to 3 June 2004. "Participants also made a range of recommendations to Governments, regional and international organizations and civil society groups, including: Urging Pacific Island Governments to ratify international human rights treaties without reservation, and ... encouraging ... Pacific Island Governments in the establishment of independent national human rights institutions."²⁷ Thanks to the Fiji Human Rights Commission, a "virtuous dynamic" is in the process of being created. This experience is all the more interesting in that, of the 15 countries concerned, only 3 States - Australia, New Zealand and, since 2003, Timor-Leste - have ratified the two Covenants. Neither Covenant has been signed by the Cook Islands, Micronesia, Fiji, Kiribati, the Marshall Islands, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu or Vanuatu, while the Solomon Islands have ratified only the International Covenant on Economic, Social and Cultural Rights. Nauru, for its part, has signed only one Covenant, the International Covenant on Civil and Political Rights. Although the majority of these micro-States are not represented in Geneva, the merit of this initiative is to bring the full attention of the decision makers to bear on their human rights responsibilities, while taking the "financial and human constraints faced by the Pacific Island States" fully into account.

30. Similarly, the democracy and human rights delegation of the International Organization of French-Speaking Countries recently helped to establish a number of institutional human rights networks in the French-Speaking world. For example, a network of government human rights structures, established in Brazzaville in 2003, met in Marrakesh from 26 to 28 February 2004 in order to review the commitments of the French-speaking countries under the major international instruments and identify specific prospects for the effective implementation of those treaties and increased participation in the Commission on Human Rights.

II. WORKING HYPOTHESES

31. Only a few possible directions for work are outlined here - a step that must be both open and flexible and that takes the debate in the Sub-Commission into account. The Special Rapporteur notes with satisfaction the Commission's decision which "endorses the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him

to carry out its mandate, *inter alia* in his contacts with States". The Special Rapporteur intends to address the two main areas covered by decision 2004/123 and to devote the study not only to the universal ratification of treaties but also to the universal implementation of international human rights instruments.

A. Universal ratification

1. The evaluation of international instruments

32. The preparation of as complete an overview of the current situation as possible is an essential starting-point for carrying out the study within the legal context just defined. The first stage is a systematic inventory of relevant instruments, which would include those most often referred to as well as those that appear to be overlooked. Such an objective view of the situation will make it possible to define priorities for achieving "universal participation" in human rights treaties more effectively. The usual technical presentation of ratifications in alphabetical order no doubt has its uses, but it does not make for overall clarity, either from a quantitative point of view, by presenting the number of non-ratifications, or from a qualitative point of view, by placing emphasis on the list of States concerned. A chronological presentation has the merit of showing what progress has been achieved and what trends may be developing, while a geographical presentation draws attention to the political or cultural reservations in certain regions. A demographic presentation, tried by way of experiment, has the advantage of being neutral - because it is based on objective data it is difficult to question - and clear - because it gives a distinct picture of the collective efforts required. In a sense, it is the "pattern in the carpet" that must be brought out. This permanent picture should be updated regularly to take account of new signatures and accessions once work on it has been completed. It is in this spirit that a consolidated table for the Covenants and their Protocols has been presented in this preliminary report (see annex, table 4).

33. However, a horizontal reading would be more useful, as the treaty bodies can focus only on States that are parties or non-parties to a specific treaty, whereas a wide variety of situations are to be found where ratification or non-ratification is concerned. While it has become commonplace to emphasize the dissuasive nature of reports, it would certainly also be appropriate to take into account the size and resources of States, without calling into question the principle of the legal equality of States or the commitment of all Members to fulfilling in good faith the commitments they have assumed under the United Nations Charter (Art. 2). Conversely, it should be borne in mind that the States parties to a treaty are not, by definition, more virtuous than others, but by ratifying they confirm their commitment to respecting universal human rights at the national level, they submit to a collective discipline, through an ongoing dialogue with specialist independent bodies and, where appropriate, they agree to international appeals which reinforce and guarantee domestic remedies.

2. The dynamics of universal ratification

34. In this context, a proactive approach by the Sub-Commission would be very useful, not to challenge States *a priori*, but to make them aware of the new situation introduced by the World Conference on Human Rights in which they may no longer take refuge behind the ramparts of national sovereignty and ignore universal treaties. Aside from the issues of principle relating to the nature of international human rights law, raised by Mr. Kartashkin in his study, there is a

need to identify practical methods for conducting a dialogue with States, on the model of the Sub-Commission's working group, which functioned from 1979 to 1984, and in the light of the residual mandate in this area of the Working Group on Contemporary Forms of Slavery.

35. It would be equally useful to make a pragmatic assessment of the machinery for monitoring commitments and encouraging ratification by States so as to provide a systematic view of the situation, which is more varied and more balanced than the picture given by the seven treaties that have monitoring bodies. Another important aspect of the study would be to take into account relevant experience of other treaty-monitoring systems, particularly those of ILO and UNESCO, in order to identify "good practice". A final aspect of the study would be to consider the most effective modalities that would allow a constructive dialogue with States concerning legal, political, social or other difficulties encountered in the ratification, entry into force, interpretation and application of the treaties in question, with a view to seeking effective universality "for all".

36. This study should take into account the parallel efforts being undertaken to improve the human rights treaty system, particularly the initiatives of the Secretary-General, and should be carried out in close cooperation with all the interested parties. In this regard, it might be useful to convene a seminar with support from interested States and NGOs along with the national institutions directly concerned, with a view to creating a "grid" for use in organizing dialogue with the States concerning the ratification of universal treaties. Another useful aspect would be to take account of the specific contribution of regional organizations to the ratification and effective implementation of universal treaties through consultation and cooperation between member States.

B. Universal application

1. The duality of legal sources

37. The move from the formal question of ratification to the material problems of implementation involves a series of legal clarifications on the underlying dualism inherent in the systemic relations between the international order and the domestic order. The applicability of international commitments is conditioned by the hierarchy of international sources and the account taken of them by national constitutions.²⁸ The issue of reservations and national derogations will be left aside here, pending the continuation of the dialogue between the Sub-Commission and the International Law Commission.²⁹ The notions of self-executing standards or the enforceability of guaranteed rights are potential obstacles to the effective implementation of commitments at the domestic level. Clarifications are required, particularly as contradictory solutions may coexist within the same legal system, as in France, with the Convention on the Rights of the Child.

2. The effectiveness of international commitments

38. Once the legal transposition of instruments has become a reality, their effective implementation involves considerable work in the area of information and training. The publication of universal treaties - and their translation into national languages - must take place concurrently with campaigns to raise public awareness. If not transmitted by these means to all levels of society, the instruments are liable to remain theoretical and remote, having no bearing

on people's daily life. It is not only on the legal playing field that the universal implementation of international human rights instruments has its place. An investigation of the historical, cultural, sociological, economic and other obstacles to the full implementation of universal treaties would be outside the limits of this study, but the extralegal dimension should nevertheless not be neglected.

39. At another stage, the effective implementation of international instruments presupposes the existence of a State governed by the rule of law, providing a series of contentious or non-contentious guarantees. Particular attention will be given to domestic case law. In addition to the leading role played by the justice system in ensuring human rights, a separate place must be made for independent national institutions for the promotion and protection of human rights, for ombudsmen and mediators and for independent administrative authorities. Their advisory function and, where relevant, their adjudicatory role help to raise public awareness and promote observance of universal commitments on a day-to-day basis. Likewise, the vigilance and incentive of NGOs in this regard is irreplaceable.

40. Conversely, the proper functioning of national mechanisms and domestic guarantees facilitates compliance with the international obligations set out in the treaties, particularly as regards reports, but also where communications are concerned, through the exhaustion of domestic remedies. In other words, the effective implementation of international instruments at the local level is a major means of reinforcing the universal system of human rights. There must be an unbroken chain to link international guarantees with domestic guarantees and the principle of universality with effective implementation.

Notes

¹ ST/HR/1/Rev.6 (Vol. I/Part 1), p. xiv. Dans l'édition française précédente, la formule était légèrement différente: «ils ont la valeur de déclarations de principes largement acceptés au sein de la communauté internationale» (ST/HR/1/Rev.5 (Vol. I/Part 1), p. xi).

² Voir Theodor Meron, *Human Rights and Humanitarian Norms as Customary Law*, Oxford, Clarendon Press, 1989.

³ *C.I.J. Recueil 1951*, p. 21. L'article XI prévoit que la Convention est ouverte à la signature non seulement des États Membres de l'ONU, mais aussi «de tout État non membre à qui l'Assemblée générale aura adressé une invitation à cet effet».

⁴ *Ibid.*, p. 23.

⁵ *Ibid.*, p. 46, opinion dissidente collective des juges Guerrero, McNair, Read et Hsu Mo.

⁶ Cité dans Paul Reuter, *Introduction au droit des traités*, Armand Colin, 1972, p. 223.

⁷ *C.I.J. Recueil 1970*, p. 32, par. 33 et 34.

⁸ Déclaration et Programme d'action de Vienne (A/CONF.157/23, chap. I, par. 26).

⁹ Le paragraphe 1 de l'article 64 de la Convention américaine relative aux droits de l'homme donne à la Cour interaméricaine la compétence d'interpréter la Convention et les «autres traités relatifs à la protection des droits de l'homme dans les États américains». C'est ainsi que, dans son avis consultatif OC-16/99 du 1^{er} octobre 1999, "*The Right to information on consular assistance in the framework of the guarantees of the due process of law*", la Cour a considéré que la Convention de Vienne sur les relations consulaires de 1963 était un traité en matière de droits de l'homme.

¹⁰ Voir E/CN.4/Sub.2/2003/37, par. 22, pour l'expérience du Groupe de travail des formes contemporaines d'esclavage.

¹¹ ST/HR/1/Rev.6 (Vol. I/Part 1 et Vol. I/Part 2). Voir aussi les documents sélectionnés dans *Les Nations Unies et les droits de l'homme, 1945-1995*, Série Livres bleus des Nations Unies, vol. VII, 1995.

¹² *Droits de l'homme: les principaux instruments internationaux, état au 31 mai 2003*, préparé par Vladimir Volodin (SHS.2003/WS/33). Voir aussi l'excellente classification de Jean-Bernard Marie, qui recense 104 traités internationaux et régionaux dans un tableau mis à jour chaque année pour la *Revue universelle des droits de l'homme*.

¹³ www.untreaty.un.org. Il faut déplorer une fois de plus que l'accès à la banque de données de la Section des traités soit commercialisé, alors qu'il s'agit d'une fonction d'intérêt général expressément stipulée par le paragraphe 1 de l'Article 102 de la Charte des Nations Unies. Le Rapporteur spécial se doit de rappeler les termes du paragraphe 2 de la section B de la résolution 2003/31 de la Sous-Commission au regard de son mandat.

¹⁴ Y compris l'Accord portant création du Fonds de développement pour les populations autochtones de l'Amérique latine et des Caraïbes signé à Madrid le 24 juillet 1992.

¹⁵ Le chapitre XVII sur la liberté d'information ne contient qu'une référence à la Convention relative au droit international de rectification de 1952.

¹⁶ Curieusement, la liste exclut la Convention sur l'imprescriptibilité des crimes de guerre et des crimes contre l'humanité et la Convention internationale sur l'élimination et la répression du crime d'apartheid qui figurent en bonne place dans le chapitre IV.

¹⁷ On peut se demander d'ailleurs si la Convention sur la sécurité du personnel des Nations Unies et du personnel associé de 1994 entre bien *stricto sensu* dans le cadre de cette liste.

¹⁸ *Documents officiels de l'Assemblée générale, cinquante-huitième session, Supplément n° 1* (A/58/1), par. 169. Voir aussi le paragraphe 179 où le Secrétaire général «engage tous les États Membres qui ne l'ont pas encore fait à ratifier le Statut [de Rome] ou à y adhérer et à prendre les mesures nécessaires pour en appliquer les dispositions».

¹⁹ Cf. la résolution 2000/67 du 19 avril 2000, ainsi que les résolutions biennales parallèles de l'Assemblée générale, 56/144 du 19 décembre 2001 et 58/165 du 19 décembre 2003.

²⁰ E/CN.4/2004/SR.57, par. 100, observateur de la Finlande.

²¹ Ibid., par. 103.

²² Contrairement à d'autres traités, comme la Convention relative aux droits de l'enfant, la priorité donnée aux Protocoles ne peut pas techniquement court-circuiter la priorité donnée aux Pactes.

²³ E/CN.4/2004/L.10/Add.17, par. 46.

²⁴ La Documentation française, *Documents d'actualité internationale*, n° 6, 15 mars 2004, document n° 82, p. 233.

²⁵ Ibid., document n° 83, p. 236.

²⁶ Amnesty International, éditions francophones, rapport 2004.

²⁷ Communiqué de presse des Nations Unies, 10 juin 2004, «Plusieurs îles du Pacifique souhaitent la mise en place de mécanismes chargés des droits de l'homme dans la région».

²⁸ Voir, par exemple, Claudia Sciotti-Lam, *L'applicabilité des traités internationaux relatifs aux droits de l'homme en droit interne*, Bruxelles, Bruylant, 2004.

²⁹ Olivier de Frouville, *L'intangibilité des traités en matière de droits de l'homme*, Paris, Pedone, 2003.

ANNEX

Table 1

List of the principal universal instruments (*Source: UNESCO*)

	Organization and date	Status as at 1 January 2004
GENERAL INSTRUMENTS		
1. International Covenant on Economic, Social and Cultural Rights	United Nations, 1966	148
2. International Covenant on Civil and Political Rights	United Nations, 1966	151
3. Optional Protocol to the International Covenant on Civil and Political Rights	United Nations, 1966	104
4. Second Optional Protocol to the International Covenant on Civil and Political Rights	United Nations, 1989	50
PREVENTION OF DISCRIMINATION		
5. International Convention on the Elimination of All Forms of Racial Discrimination	United Nations, 1965	169
6. International Convention on the Suppression and Punishment of the Crime of Apartheid	United Nations, 1973	101
7. Equal Remuneration Convention (No. 100)	ILO, 1951	161
8. Convention against Discrimination in Education	UNESCO, 1960	90
9. Protocol to the Convention against Discrimination in Education	UNESCO, 1962	33
10. Discrimination (Employment and Occupation) Convention (No. 111)	ILO, 1958	159
11. Workers with Family Responsibilities Convention (No. 156)	ILO, 1981	34
12. International Convention against Apartheid in Sports	United Nations, 1985	58
13. Indigenous and Tribal Peoples Convention (No. 169)	ILO, 1989	17
GENOCIDE, WAR CRIMES, CRIMES AGAINST HUMANITY		
14. Convention on the Prevention and Punishment of the Crime of Genocide	United Nations, 1948	134
15. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	United Nations, 1968	45
16. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	United Nations, 1984	134
17. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	United Nations, 2002	
18. Rome Statute of the International Criminal Court	United Nations, 1998	92
SLAVERY, SERVITUDE, FORCED LABOUR AND SIMILAR INSTITUTIONS AND PRACTICES		
19. Protocol amending the Slavery Convention	United Nations, 1953	59
20. Slavery Convention	United Nations, 1926	41
21. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	United Nations, 1956	119
22. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	United Nations, 1949	75
23. Forced Labour Convention (No. 29)	ILO, 1930	163
24. Abolition of Forced Labour Convention (No. 105)	ILO, 1957	161

Table 1 (continued)

	Organization and date	Status as at 1 January 2004
INFORMATION		
25. Convention on the International Right of Correction	United Nations, 1952	16
FOREIGNERS, REFUGEES, STATELESS PERSONS		
26. Convention relating to the Status of Refugees	United Nations, 1951	142
27. Protocol relating to the Status of Refugees	United Nations, 1967	141
28. Convention relating to the Status of Stateless Persons	United Nations, 1954	54
29. Convention on the Reduction of Statelessness	United Nations, 1961	26
WORKERS		
30. Right of Association (Agriculture) Convention (No. 11)	ILO, 1921	119
31. Freedom of Association and Protection of the Right to Organize Convention (No. 87)	ILO, 1948	142
32. Right to Organize and Collective Bargaining Convention (No. 98)	ILO, 1949	154
33. Employment Policy Convention (No. 122)	ILO, 1964	94
34. Workers' Representatives Convention (No. 135)	ILO, 1971	75
36. Labour Relations (Public Service) Convention (No. 151)	ILO, 1978	42
37. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	United Nations, 1990	25
WOMEN, CHILDREN, FAMILY		
38. Convention on the Elimination of All Forms of Discrimination against Women	United Nations, 1953	115
39. Convention on the Nationality of Married Women	United Nations, 1957	72
40. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	United Nations, 1962	50
41. Declaration on the Elimination of Discrimination against Women	United Nations, 1979	173
42. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	United Nations, 1999	51
43. Convention on the Rights of the Child	United Nations, 1989	192
44. Optional Protocol on the involvement of children in armed conflict	United Nations, 2000	62
45. Optional Protocol on the sale of children, child prostitution and child pornography	United Nations, 2000	66
46. Minimum Age Convention (No. 138)	ILO, 1973	129
47. Worst Forms of Child Labour Convention (No. 182)	ILO, 1999	147
COMBATANTS, PRISONERS, CIVILIANS		
48. Geneva Convention for the Wounded and Sick in Armed Forces in the Field	ICRC, 1949	191
49. Geneva Convention for the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	ICRC, 1949	191
50. Geneva Convention relative to the Treatment of Prisoners of War	ICRC, 1949	191
51. Geneva Convention relative to the Protection of Civilian Persons in Time of War	ICRC, 1949	191
52. Additional Protocol I relating to the Protection of Victims of International Armed Conflicts	ICRC, 1977	162
53. Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts	ICRC, 1977	156

Table 2

List of the principal human rights instruments deposited with the Secretary-General (Source: United Nations)

Treaties on the protection of civilians	Millennium goals	Depositary
Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948)	Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948)	Chap. IV
United Nations Declaration on the Elimination of All Forms of Racial Discrimination (21 December 1965)	United Nations Declaration on the Elimination of All Forms of Racial Discrimination (21 December 1965)	Chap. IV
International Covenant on Economic, Social and Cultural Rights (16 December 1966)	International Covenant on Economic, Social and Cultural Rights (16 December 1966)	Chap. IV
International Covenant on Civil and Political Rights (16 December 1966)	International Covenant on Civil and Political Rights (16 December 1966)	Chap. IV
Optional Protocol to the International Covenant on Civil and Political Rights (16 December 1966)	Optional Protocol to the International Covenant on Civil and Political Rights (16 December 1966)	Chap. IV
	Second Optional Protocol to the International Covenant on Civil and Political Rights (15 December 1989)	Chap. IV
Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979)	Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979)	Chap. IV
Optional Protocol to the Convention of All Forms of Discrimination against Women (6 October 1999)	Optional Protocol to the Convention of All Forms of Discrimination against Women (6 October 1999)	(a)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)	Chap. IV
Convention on the Rights of the Child (20 November 1989)	Convention on the Rights of the Child (20 November 1989)	Chap. IV
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (25 May 2000)	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (25 May 2000)	(a)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000)	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000)	(a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 December 1990)	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 December 1990)	Chap. IV
Convention relating to the Status of Refugees (28 July 1951)	Convention relating to the Status of Refugees (28 July 1951)	Chap. V
Convention relating to the Status of Stateless Persons (28 September 1954)		Chap. V
Convention on the Reduction of Statelessness (30 August 1961)		Chap. V
Protocol relating to the Status of Refugees (16 December 1966)		Chap. V
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 December 1949)		Chap. VII
Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (21 March 1950)		Chap. VII

Table 2 (continued)

Treaties on the protection of civilians	Millennium goals	Depositary
Convention on the Safety of United Nations and Associated Personnel (9 December 1994)	Convention on the Safety of United Nations and Associated Personnel (9 December 1994)	Chap. XVIII
Rome Statute of the International Criminal Court (17 July 1998)	Rome Statute of the International Criminal Court (17 July 1998)	Chap. XVIII
United Nations Convention against Transnational Organized Crime (15 November 2000)		(a)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000)		(a)
Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (31 May 2001)		(a)

Note: The status of multilateral treaties deposited with the Secretary-General has been updated to 30 December 2002.

Table 3. Quantitative overview of ratifications of instruments having a monitoring mechanism

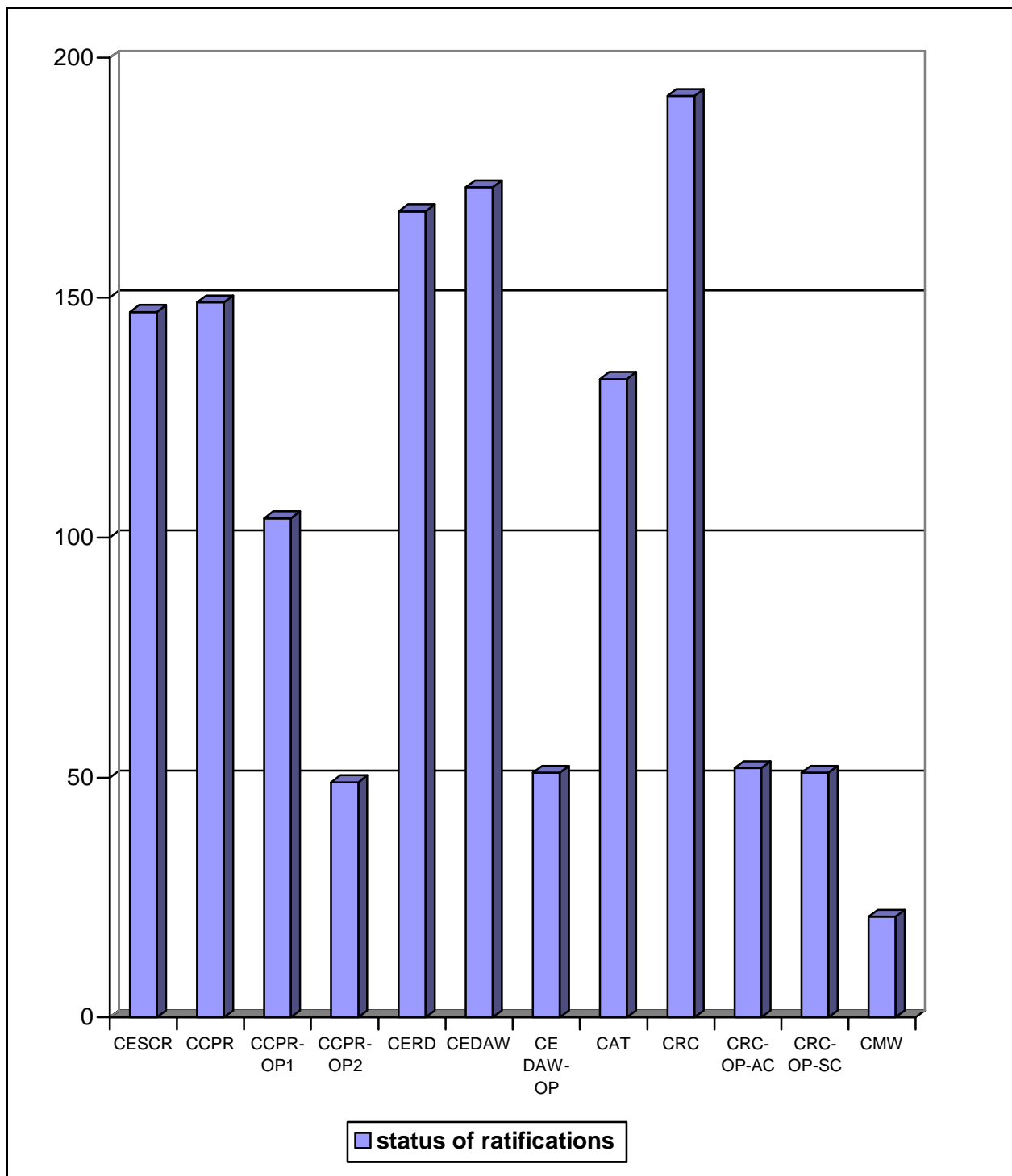


Table 4

**Ratification of the International Covenants and the Optional Protocols
to the International Covenant on Civil and Political Rights**

Country	ICESCR	ICCPR	Protocol I	Protocol II
China		Signature	NO	NO
India			NO	NO
United States of America	Signature		NO	NO
Indonesia	NO	NO	NO	NO
Brazil			NO	NO
Pakistan	NO	NO	NO	NO
Russian Federation				NO
Bangladesh			NO	NO
Japan			NO	NO
Nigeria			NO	NO
Mexico				NO
Germany				
Philippines				NO
Viet Nam			NO	NO
Iran (Islamic Republic of)			NO	NO
Egypt			NO	NO
Turkey			NO	NO
Ethiopia			NO	NO
Thailand			NO	NO
France				NO
United Kingdom			NO	

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Italy				
Democratic Republic of the Congo				NO
Ukraine				NO
Republic of Korea				NO
Myanmar	NO	NO	NO	NO
South Africa				
Colombia				
Spain				
Poland				NO
Argentina				NO
Sudan			NO	NO
United Republic of Tanzania			NO	NO
Algeria				NO
Canada				NO
Morocco			NO	NO
Kenya			NO	NO
Peru				NO
Afghanistan			NO	NO
Nepal				
Uzbekistan				NO
Venezuela				
Uganda				NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Iraq			NO	NO
Romania				
Malaysia	NO	NO	NO	NO
Saudi Arabia	NO	NO	NO	NO
Democratic People's Republic of Korea			NO	NO
Ghana				NO
Sri Lanka				NO
Mozambique	NO		NO	
Australia				
Yemen			NO	NO
Côte d'Ivoire				NO
Syrian Arab Republic			NO	NO
Kazakhstan		Signature	NO	NO
Netherlands				
Madagascar				NO
Cameroon				NO
Chile				NO
Ecuador				
Angola				NO
Guatemala				NO
Zimbabwe			NO	NO
Cambodia			NO	NO
Burkina Faso				NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Cuba	NO	NO	NO	NO
Mali				NO
Serbia and Montenegro				
Greece				
Malawi				NO
Niger				NO
Belarus				NO
Czech Republic				NO
Belgium				
Hungary				
Senegal				NO
Portugal				
Tunisia			NO	NO
Somalia				NO
Zambia				NO
Sweden				
Bolivia				NO
Dominican Republic				NO
Austria				
Bulgaria				
Haiti	NO		NO	NO
Azerbaijan				
Chad				NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Guinea				NO
Switzerland			NO	
Jordan			NO	NO
Burundi			NO	NO
Honduras			Signature	NO
Benin				NO
Rwanda			NO	NO
Israel			NO	NO
El Salvador				NO
Tajikistan				NO
Libyan Arab Jamahiriya				NO
Paraguay				NO
Lao People's Democratic Republic		Signature	NO	NO
Slovakia				
Denmark				
Finland				
Togo				NO
Georgia				
Nicaragua				NO
Papua New Guinea	NO	NO	NO	NO
Kyrgyzstan				NO
Sierra Leone				NO
Republic of Moldova			NO	NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Croatia				
Norway				
Turkmenistan				
Eritrea			NO	NO
New Zealand				
Ireland				
Costa Rica				
Lithuania				
Lebanon			NO	NO
Central African Republic				NO
Armenia				NO
Singapore	NO	NO	NO	NO
Bosnia and Herzegovina				
Albania			NO	NO
Uruguay				
Panama				
Congo				NO
Jamaica			NO	NO
Mongolia				NO
Mauritania	NO	NO	NO	NO
Liberia	Signature	Signature	NO	NO
Oman	NO	NO	NO	NO
United Arab Emirates	NO	NO	NO	NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Latvia				NO
Lesotho				NO
The former Yugoslav Republic of Macedonia				
Bhutan	NO	NO	NO	NO
Slovenia				
Kuwait			NO	NO
Namibia				
Botswana	NO		NO	NO
Guinea-Bissau		Signature	Signature	NO
Estonia				NO
Gambia				NO
Trinidad and Tobago			NO	NO
Gabon			NO	NO
Mauritius				NO
Swaziland			NO	NO
Guyana				NO
Fiji	NO	NO	NO	NO
Cyprus				
Qatar	NO	NO	NO	NO
Comoros	NO	NO	NO	NO
Djibouti				
Bahrain	NO	NO	NO	NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Equatorial Guinea				NO
Solomon Islands		NO	NO	NO
Suriname				NO
Luxembourg				
Cape Verde				
Malta				
Brunei Darussalam	NO	NO	NO	NO
Bahamas	NO	NO	NO	NO
Maldives	NO	NO	NO	NO
Iceland				
Barbados				NO
Belize			NO	NO
Cook Islands	NO	NO	NO	NO
Palau	NO	NO	NO	NO
Vanuatu	NO	NO	NO	NO
Sao Tome and Principe	Signature	Signature	Signature	NO
Samoa	NO	NO	NO	NO
Saint Lucia	NO	NO	NO	NO
Micronesia (Federated States of)	NO	NO	NO	NO
Saint Vincent and the Grenadines				NO
Tonga	NO	NO	NO	NO
Grenada			NO	NO
Kiribati	NO	NO	NO	NO

Table 4 (continued)

Country	ICESCR	ICCPR	Protocol I	Protocol II
Seychelles				
Andorra		Signature	Signature	
Antigua and Barbuda	NO	NO	NO	NO
Marshall Islands	NO	NO	NO	NO
Dominica			NO	NO
Saint Kitts and Nevis	NO	NO	NO	NO
Monaco			NO	
Liechtenstein				
San Marino				NO
Tuvalu	NO	NO	NO	NO
Nauru	NO	Signature	Signature	NO
