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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO  
UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Report of the Secretary-General

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1. In its resolution 44/135 of 15 December 1989, the General Assembly, inter alia, reiterated its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies and requested him to report on that question to the Commission on Human Rights at its forty-sixth session and to the General Assembly at its forty-fifth session.

2. It will be recalled, in that connection, that the Chairpersons of human rights treaty bodies at their meeting held in October 1988 agreed that in order to maintain the required level of secretariat services to the various treaty bodies, those services needed to be strengthened both within the Centre for Human Rights and the Branch for the Advancement of Women. Special reference was made in this regard to the rapidly expanding workload of the various committees as a result of increasing numbers of ratifications and accessions and the major increase in the number of State reports and communications being submitted to the relevant bodies.

3. The rapidly expanding workload of the various Committees being serviced by the Centre for Human Rights has placed growing demands upon the Secretariat which the Centre is finding increasingly difficult to meet. The entry into operation of the Committee on the Rights of the Child, which is expected within the current biennium, will, in the absence of additional staff, further exacerbate this existing imbalance between personnel resources and work requirements. As may be seen from the calendar of conferences for 1990, the Centre which is responsible for providing both substantive and technical support to five of the six existing treaty bodies and which will also have responsibility for the Committee on the Rights of the Child, will need to service in 1990 alone some 18 sessions of the various treaty bodies, lasting for a total of more than 32 weeks of meeting service.

4. While the eventual computerization of the work of the treaty bodies in relation to reporting is expected, in time, to increase productivity, for the foreseeable future it will not be possible to meet fully the anticipated requirements for support services to the treaty bodies without some staff increases.

5. In its resolution 44/135, the General Assembly also requested the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning, and to report on these measures to the Commission on Human Rights at its forty-sixth session.

6. Currently, the activities of all but two of the treaty bodies are financed under the regular budget of the United Nations, the two exceptions being the Committee on the Elimination of Racial Discrimination and the Committee

against Torture. Although it may be foreseen that eventually the Committee against Torture - whose total expenses, including the Secretariat support services, are funded by the States parties to the Convention - may encounter financial difficulties, at present only the activities of the Committee on the Elimination of Racial Discrimination are being adversely affected by financial difficulties.

7. As at 31 December 1989, an amount of \$ 151,578 in assessments receivable for 1989 and prior years remained outstanding from 55 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination representing 81.6 per cent of the net amount assessed against States parties for 1989. Partly because of these arrears, the Committee for the past several years has been unable to hold both of its scheduled annual sessions. Another major difficulty has been that States parties have generally not been paying their assessments prior to 1 February of each year, despite the General Assembly's repeated requests to them to do so. As a result, sufficient funds have not been available in time to permit holding the Committee session that is normally scheduled for March of each year. Paradoxically, the payments received prior to the end of each of the past three years have been more than the amount actually disbursed and, in accordance with normal United Nations practice, States parties making their contributions regularly were entitled to be credited with over-assessments of \$ 47,730, \$ 113,936 and \$ 99,220 in 1987, 1988 and 1989 respectively. 1/

8. As the foregoing analysis indicates, the Committee's financial difficulties could be at least partially alleviated by the payment of the existing arrears or by the early payment by States parties of a substantial part of their annual assessments or by a combination of both. Unfortunately, experience has shown that for a variety of reasons, neither of these alternatives holds much promise.

9. Against this background, it would appear that only two avenues offer a real prospect of resolving the Committee's financial difficulties. One such measure - which has been recommended by the chairpersons - would be to place the Committee on the same footing as the other treaty bodies (with the exception of the Committee against Torture) by financing its activities from the regular budget of the United Nations. Thus far, the General Assembly has not seen fit to take action on that recommendation. Neither has it been possible for the Secretary-General, owing to the Organization's financial crisis, to resume his earlier practice of advancing funds from the regular budget to meet the shortfall in contributions to finance the expenses of the members of the Committee which are the responsibilities of the States parties under the Convention.

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1/ See: The Report of the Secretary-General submitted to the thirteenth meeting of the States parties to the Convention, document CERD/SP/38.

10. Under present conditions, the most feasible measure might be to establish a "contingency reserve fund" for the Committee on the Elimination of Racial Discrimination of up to US \$ 200,000, based on voluntary contributions from States parties. The Committee's meetings could then be financed out of that fund on a "contingency advance basis" to be reimbursed from State party payments received prior to 31 December of each year.

11. Longer range issues relating to financial arrangements and Secretariat servicing of both existing and prospective treaty bodies, are discussed in Chapter IV of document A/44/668, which has been placed before the Commission at its forty-sixth session under item 18 of its agenda.