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REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS

Note by the Secretary-General

The Secretary-General transmits to the General Assembly herewith the report of the meeting of Chairpersons of human rights treaty bodies convened pursuant to General Assembly resolution 42/105 of 7 December 1987.

ANNEX

Report of the meeting of Chairpersons of human rights treaty bodies

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I. INTRODUCTION

1. At its thirty-eighth session, the General Assembly had before it a report of the Secretary-General on the functioning of reporting procedures under international conventions in the field of human rights as well as questions regarding the rationalization and co-ordination of those procedures in the future (A/38/393). After considering that report, the General Assembly, in its resolution 38/117 of 16 December 1983, requested the Secretary-General, inter alia, to consider the possibility of convening a meeting of the Chairmen of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments. The results of the first meeting of the Chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on

Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, which was held at Geneva on 16 and 17 August 1984, were presented by the Secretary-General to the General Assembly at its thirty-ninth session (A/39/484, annex) and were noted by the Assembly with interest in its resolution 39/138 of 14 December 1984.

2. Since 1984, the General Assembly has continued to consider the problems relating to the reporting obligations of States parties at each of its succeeding sessions. The problems have also received attention during the various sessions of the treaty bodies, at some of the meetings of States parties, and at meetings of such other organs as the Economic and Social Council and the Commission on Human Rights. However, many of the problems are still unresolved and the number of overdue reports has continued to grow.

3. Pursuant to General Assembly resolutions 41/121 of 4 December 1986 and 42/105 of 7 December 1987, the Secretary-General convened a second meeting of the Chairpersons of the bodies entrusted with the consideration of reports under the relevant human rights instruments.

II. ORGANIZATION OF THE MEETING

4. The meeting was held at the United Nations Office at Geneva from 10 to 14 October 1988 and was attended by the following participants: the Chairman of the Commission on Human Rights (Mr. Alioune Sène), the Chairman and Vice-Chairman of the Human Rights Committee (Mr. Julio Prado Vallejo and Mr. Fausto Pocar), the Rapporteur of the Committee on Economic, Social and Cultural Rights (Mr. Philip Alston), the Chairman of the Committee on the Elimination of Racial Discrimination (Mr. George O. Lamptey), the representative of the Committee on the Elimination of Discrimination against Women (Ms. Zagorka Ilic), the Chairman of the Group of Three established under the Convention on the Suppression and Punishment of the Crime of Apartheid (Mr. Gustavo-Adolfo Vargas) and the Chairman of the Committee against Torture (Mr. Joseph Voyame).

5. Dr. Jonathan Mann, Director of the Global Programme on acquired immunodeficiency syndrome (AIDS) of the World Health Organization, and Mr. Huu Tuong Dao, Co-ordinator for Human Rights Questions of the International Labour Organisation, also participated in one of the meetings.

6. The agenda for the meeting was as follows:

1. Opening of the meeting.
2. Election of the Chairman.
3. Adoption of the agenda.
4. Identification and review of problems encountered in the operation of the reporting systems, in particular those relating to the preparation, submission and consideration of States parties' reports.
5. Remedial actions:
 - (a) Harmonization and consolidation of reporting guidelines;

- (b) Co-ordination of periodicity of reporting under the various United Nations instruments;
 - (c) Measures for expediting consideration of periodic reports;
 - (d) Projects for technical assistance and advisory services with a view to assisting States parties to fulfil their reporting obligations.
 - 6. Co-ordination of future activities:
 - (a) Exchange of information and documentation;
 - (b) Enhancing co-operation with specialized agencies;
 - (c) Communication among chairmen.
 - 7. Other matters.
 - 8. Conclusions and recommendations.
7. The following documentation was made available to participants:
- Provisional agenda (HRI/MC/1988/L.1)
- Report of the Secretary-General (HRI/MC/1988/L.2)
- Updated information on the general situation of overdue reports (1 June 1988)
- Report of the Secretary—General (HRI/MC/1988/L.3)
- List of articles showing the nature and extent of overlapping under six international human rights instruments
- Background documents
- Report of the Secretary-General (A/39/484)
- Meeting of chairmen of treaty bodies in 1984
- Report of the Secretary-General (A/40/600)
- Updated information on the general situation of the submission of reports (1 June 1985)
- Report of the Secretary-General (A/40/600/Add.1)
- Compilation of guidelines under five human rights instruments
- Report of the Secretary-General (A/41/510)
- Updated information on the general situation of overdue reports (1 June 1986)

General Assembly resolutions relating to reporting obligations

- 40/116 of 13 December 1985; 41/121 of 4 December 1986; and 42/105 of 7 December 1987

Economic and Social Council resolutions

- International Covenant on Economic, Social and Cultural Rights 1988/4 of 24 May 1988
- Effective implementation of international instruments on human rights 1988/42 of 27 May 1988

Report of the Secretary-General to the Commission on Human Rights at its forty-fourth session (E/CN.4/1988/40)

- Advisory services in the field of human rights

Report of the Netherlands human rights and Foreign Policy Advisory Committee

- Human Rights conventions under United Nations supervision.

8. The meeting was opened by the representative of the Secretary-General (Mr. Enayat Houshmand, Chief, International Instruments Section, Centre for Human Rights).

9. The following officers were elected:

Chairman: Mr. Julio Prado Vallejo

Vice-Chairman: Mr. George O. Lamptey

Rapporteur: Mr. Philip Alston

III. IDENTIFICATION AND REVIEW OF PROBLEMS

A. Human Rights Committee

10. The Chairman of the Human Rights Committee said that, unlike some of the other treaty bodies, the Human Rights Committee had not yet accumulated a backlog of reports. Nevertheless, it had sought to expedite the consideration of reports by encouraging the representatives of States parties to keep their introductory remarks, as well as their oral responses to questions, as germane and concise as possible.

11. The representatives of the Human Rights Committee also explained that the Committee had encountered very serious delays in the submission of reports by States parties. That was partly due to the fact that the International Covenant on Civil and Political Rights covered many wide-ranging rights, which rendered the preparation of the report more difficult than for some of the other Conventions. The situation had worsened over the years, particularly since second periodic reports had become due, and the total number of overdue reports had reached 54 as at 1 June 1988. The fact that third periodic reports had also started to become due in February 1988 was expected to lead to a further increase in overdue reports.

12. Regarding remedial action to improve compliance by States parties with their reporting obligations, it was stated that the Human Rights Committee had already resorted to such measures as dispatching written reminders to States parties whose reports were overdue, inviting the permanent representatives of States parties to discuss their countries' reporting difficulties, with the Committee, designating members of the Bureau to contact permanent representatives on the Committee's behalf, and arranging for the Chairman of the Committee to dispatch special letters to the Foreign Ministers of States parties whose reports had been overdue for a long period. It was also mentioned that a member of the Committee had visited one of the States parties to provide expertise and advice, with a view to facilitating its discharge of its reporting obligations.

13. Turning to possible remedial action in the future, the representatives explained that, in the Committee's view, efforts aimed at harmonizing and consolidating reporting guidelines should remain within reasonable limits. They pointed out that, if reporting guidelines were to be fully standardized, the treaty bodies would undoubtedly receive a great deal of information of little or no relevance to their concerns, whereas States parties would not be relieved of the necessity of providing additional specific information. In their view, such problems could not be avoided, even if only the introductory parts of reports of State parties were consolidated. They also recalled that the reporting guidelines under the International Covenant on Civil and Political Rights covered a broad range of human rights and had already been well tested. Nevertheless, the Committee remained open to new approaches for harmonizing reporting guidelines, provided such proposals were compatible with the considerations mentioned.

14. It was also the Committee's belief that efforts to achieve harmonization might find an appropriate solution within a State party, particularly through the creation of a co-ordination mechanism. It also felt that the establishment of a repository of basic legal documents of the States parties within the Secretariat would be highly desirable.

15. Referring to the co-ordination of periodicity, the representatives stated that, in the Committee's view, it would help States parties that had acceded to or ratified instruments at different times to avoid having to submit reports each year if a five-year periodicity were applied by all treaty bodies. Compliance by States parties with their periodic reporting obligations would be further facilitated if duplication were reduced through such means as utilizing in one report information submitted in reports to other treaty bodies, provided that the Committee's competence was not restricted in any way.

16. In connection with the consideration of periodic reports, the Committee was of the view that the Chairpersons should appeal to States parties to adhere closely to reporting guidelines so that the consideration of reports could be conducted in an orderly and efficient manner. The length of reports had not presented major problems in itself, but it was important to emphasize the need to present information that was both relevant and complete. It would also be helpful if State party delegations could keep their introductory remarks and oral responses to questions as relevant and concise as possible.

17. Concerning the possibilities for providing assistance to States parties, the Committee considered that technical assistance efforts should be expanded, including subregional and national training courses on reporting and, where reporting problems were particularly serious, missions by experts to furnish practical assistance in areas such as the preparation of reports and the elaboration of a human rights infrastructure, and that a manual on report writing should be prepared and distributed to States parties.

18. Finally, the representatives suggested, in respect of co-ordination, that the Secretariat should make State party reports submitted to the other supervisory bodies available to each supervisory body, as it was already doing in the case of the Human Rights Committee. More frequent exchanges and contacts between members of the various treaty bodies, as well as between the secretariat of the

Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs, should also be encouraged.

B. Committee on Economic, Social and Cultural Rights

19. The representative of the Committee pointed out that some of the problems that had been encountered were due to the fact that the Committee had so far held only two sessions, while others were due to the specific nature of the rights with which it was dealing. Although the Committee had "inherited" the considerable experience of its predecessor (the Working Group of Governmental Experts), he said, it had proved necessary to revise most procedures followed previously, tailoring them to reflect the unique nature of the Committee's task. Thus, in the course of its two sessions to date, the Committee had agreed to relatively strict time-limits on oral statements and had encouraged representatives of States parties who wished to submit very detailed introductory information or to respond to questions at great length to consider doing so in writing. The Committee had also sought to minimize duplication in questioning and had established a pre-sessional working group to identify in advance those questions that might most usefully be discussed with the representatives of States parties. In addition, the Committee had recommended to the Economic and Social Council (which had subsequently endorsed the request in its resolution 1988/4) that the periodicity of reporting be changed so that States parties would henceforth be required to submit only one report every five years. Finally, the Committee had agreed to revise and simplify its reporting guidelines so as to reduce the burden on States parties and provide them with a clearer and more precise indication of what was required.

20. The representative also informed the meeting that the Committee had decided to undertake the preparation of general comments, based on specific provisions of the Covenant. Their purpose would be to make available to all States parties the experience gained so far through the examination of reports in order to promote more effective further implementation of the Covenant, to draw the attention of the States parties to insufficiencies present in a large number of reports, and to suggest to the States parties and the relevant international organizations and specialized agencies measures designed to promote the full realization of the rights recognized in the Covenant.

21. The Committee also decided that, at each of its future sessions, it would devote one day to a general discussion of one specific right or of a particular article of the Covenant, in order to develop in greater depth its understanding of the relevant issues. At its third session, the focus would be on the rights contained in article 11 of the Covenant. That would also provide the Committee with an opportunity to review and discuss various relevant reports and studies prepared by intergovernmental as well as non-governmental organizations. The representative of the Committee noted in that regard that, as a subsidiary body of the Economic and Social Council, the Committee on Economic, Social and Cultural Rights had encouraged non-governmental organizations in consultative status to submit written statements on issues of relevance to the work of the Committee.

22. At each of its sessions, the Committee had expressed its serious concern about the failure to submit, and extended delays in the submission of, reports by States parties to the Covenant. The meeting was informed that, as of 1 October 1988, there were 139 overdue reports. Accordingly, the Committee had recommended that the Council request the Secretary-General to send appropriate reminders to those States parties that had failed to meet their reporting obligations under the Covenant. The Committee had also decided to continue to mention in its own reports those States parties that had failed to submit reports or had submitted them late.

23. In that connection, and in view of the difficulties a number of States parties might be experiencing in submitting reports on a timely basis, the Committee emphasized the need for the Secretary-General to devise and implement a programme of advisory services and technical assistance that would be available on request.

24. It was also emphasized that the Committee attached particular importance to problems relating to the adequacy of State party reports. In that connection, the Council, upon the recommendation of the Committee, invited State parties to the Covenant to review the process followed in the preparation of their periodic reports on the implementation of the Covenant, including such steps as consultation and co-ordination with appropriate governmental departments and agencies, compilation of data and training of staff and consultations with interested non-governmental organizations.

C. Committee on the Elimination of Racial Discrimination

25. The Chairman of the Committee on the Elimination of Racial Discrimination pointed out that, during the 18 years that the Committee had met for six weeks a year, it had handled all the reports submitted by the States parties under article 9 of the Convention on time. He stated that the recent backlog was due solely to the fact that the duration and frequency of meetings of the Committee had been drastically curtailed. The thirty-fifth session, in August 1987, had been reduced to one week instead of three, and in 1988, the Committee had had only one reduced session of two weeks, instead of two sessions of three weeks each as scheduled.

26. He further pointed out that one of the main problems facing the Committee was the failure to submit reports, and stressed that a number of States parties had not submitted a single report since becoming a party to the Convention. That was probably due to a lack of political will on the part of the States parties concerned. In an effort to resolve the problem, the Committee had listed the defaulting States parties in its reports to the General Assembly, had delegated some of its members to raise the matter with the representatives of the States parties concerned and had requested the Secretary-General to send reminders on behalf of the Committee to those States that had not satisfied their reporting obligations.

27. The Chairman of the Committee informed the meeting that another problem encountered by the Committee was that of late submission of reports. However, he stressed that the problem was probably not due to a lack of political will but rather to the burden of complying with the increased number of human rights instruments involving reporting obligations. To overcome that problem, the Committee had adopted the practice of requesting the submission of multiple overdue reports in one consolidated report. Although that practice had helped some of the States parties, the problem had not yet been solved.

28. He informed the meeting that the Committee had found some of the reports submitted to it inconsistent with the guidelines and inadequate in content. In its early years, the Committee had followed the practice of pronouncing itself on the adequacy or otherwise of the reports submitted by States parties, but that had not been well received in the Third Committee of the General Assembly because States parties did not want to be criticized. As the practice might also have discouraged some States parties from presenting reports regularly, it had eventually been discontinued. It was pointed out that the provision of advisory services to assist States parties unable to submit adequate reports had been pioneered by the Committee on the Elimination of Racial Discrimination. The members of that Committee had also indicated their willingness to assist in seminars and workshops to train officials responsible for the preparation of human rights reports.

29. In that context, the Chairman of the Committee informed the meeting, it had been proposed that the drafters of reports be invited to a special session to observe the work of the Committee in the consideration of reports. Unfortunately, due to financial problems, the proposal - although still worth pursuing - had never been implemented.

30. On the question of periodicity, he informed the meeting that the issue had been raised very early in the work of the Committee, which had, however, long been reluctant to vary the periodicity called for in the Convention. In the Committee's view, such a step would have required an amendment and,

in any event, it was crucial to have frequent and regular reports since the problem of racial discrimination was so critical. However, with the subsequent establishment of a number of other Committees, the reporting obligations of States parties to several of the instruments had become a heavy burden for them. As a result, the Committee had decided to vary the periodicity of submission of comprehensive reports such that after the submission of a comprehensive initial report States parties would need to submit further comprehensive reports only on every second occasion thereafter when reports were due (i.e. every four years), presenting brief updating reports on each intervening occasion.

31. The Chairman informed the meeting that, except in connection with matters falling under article 15 of the Convention, the Committee on the Elimination of Racial Discrimination had up to now been working in plenary sessions. However, due to the curtailment and cancellation of some of its meetings as a result of the failure by a number of States parties to pay their assessed contributions (see the Convention, art. 8, para. 6), the Committee had decided to rationalize and streamline its work by instituting a system of rapporteurs on a trial basis beginning at its next session. He pointed out that that step had been taken despite the fact that the method used by the Committee on the Elimination of Racial Discrimination in consideration of reports to date had been very successful.

32. The Chairman of the Committee pointed out that many States had been uneasy about the reporting procedure when the Convention was adopted. In the Committee's early years, however, its members had recognized that fact and had dealt with the reports in a cautious and prudent fashion, with the result that the earlier fears were soon allayed. The procedure had later been followed in other Committees, and the Convention had become the one with the highest number of ratifications.

33. The Chairman informed the meeting that the financial problems the Committee faced due to the failure by a number of States parties to pay assessed contributions had affected its ability to discharge its monitoring functions under the Convention. He said that such financial problems were likely to be experienced by other self-financing committees as well, such as the Committee against Torture. When the International Convention on the Elimination of All Forms of Racial Discrimination was being drafted, the prevailing view had been that the Committee should be self-financing so as to maintain its independence.

34. The Chairman stated that since the human rights programme was one of the major responsibilities of the United Nations and since the international human rights instruments were adopted by the General Assembly, in which all the States Members of the United Nations took part in the consideration of reports from the human rights treaty bodies, the financing of such bodies should come under the regular budget of the United Nations. That view currently prevailed in many Member States of the United Nations. In his view, unless a solution to the financing problem was found, the human rights programme would disintegrate.

35. At its last session, the Committee had adopted a decision requesting the General Assembly to authorize the Secretary-General, on a temporary basis, to ensure the financing of the expenses of the Committee members from the United Nations regular budget until such time as a more permanent solution to the problem was found.

D. Committee on the Elimination of Discrimination against Women

36. During the general debate, the representative of the Committee referred to a list of issues that the Committee wished to bring to the attention of the meeting, which were included in its annual report to the General Assembly at its forty-third session. ^{1/} With regard to problems encountered in its activities, the Committee had felt that it was necessary, in particular: to strengthen its secretariat, especially with regard to technical and legal advice; to improve the level of servicing provided to the Committee and to bring it to the level of servicing of other treaty bodies; to consider ways and means

to expedite the work of the Committee and improve the reporting system; to take measures in respect of delays in the submission by States parties of initial reports and second periodic reports to the Committee; and to assist States parties that appeared to experience difficulties in fulfilling their reporting obligations.

37. The representative emphasized that certain problems were common to all reporting procedures under human rights instruments, while other problems were specific to a particular reporting procedure, and that the latter should also be taken into account in the formulation of final recommendations by the meeting.

38. She explained that the main problems specifically concerning the reporting procedure under the Convention on the Elimination of All Forms of Discrimination against Women could be classified in two categories: (1) difficulties encountered by States parties in preparing their reports; and (2) difficulties encountered by the Committee in its consideration of reports submitted by States parties.

39. Regarding the first issue, she pointed out that in many cases States parties to the Convention were also parties to many other human rights instruments with reporting obligations. Furthermore, various United Nations resolutions and programmes requested Governments to report or provide information on numerous issues, and the work-load imposed on Governments by all the reporting procedures was one of the main causes of delay in submitting reports. In addition, when preparing their reports under the Convention, States parties had to take into account the information provided by their national machineries or institutions dealing with the problems of discrimination against women and of the advancement of their status, and had to provide the relevant demographic statistics essential to understanding the role of women in society. It was emphasized that such demographic and other statistics should be broken down according to sex. The co-ordination or compilation of different inputs often caused a further delay in the submission of government reports. The experience of the Committee had shown that Governments were willing to co-operate with the Committee. However, the lack of experience or training in international procedures on the part of many officials made it necessary to provide for technical assistance and advisory services from the United Nations Secretariat.

40. Regarding the second issue, she pointed out that under the terms of the Convention the Committee could meet only once a year for two weeks (10 working days) and that, as a result, the time available to the Committee to consider States parties' reports was insufficient. A thorough examination of a report and a genuinely constructive dialogue with a State party required at least two meetings of the Committee. A backlog in the consideration of reports by the Committee was thus created, as a result of which the Committee might well find itself in the position of considering initial reports which had already become obsolete because they had been submitted a long time earlier. Additional meeting time would be necessary to enable the Committee to carry out its obligations under the Convention. It was pointed out that the Committee and the Secretariat had already adopted a number of measures designed to improve the Committee's methods of work.

E. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid

41. The Chairman of the Group of Three stated that the main problem facing the Group was that of non-submission of reports. As at 1 June 1988, there were 87 States parties to the Convention and 176 overdue reports. Moreover, it was considered significant that 38 States parties had not yet submitted their initial reports and that 12 of those had been overdue for 10 years or more. In view of the paucity of reports received, the Group had not built up a backlog, although it met for only one week a year. In addition, the reports submitted by States parties did not adhere to the general guidelines and contained insufficient information.

42. The Chairman of the Group of Three said that the high rate of non-submission of reports no doubt resulted from the view of many States parties that the “crime of apartheid” was not likely to arise in their territories. He emphasized that it was important to submit reports nevertheless, particularly in order to monitor the activities of transnational corporations, which operated in all countries. He suggested that to overcome the problem the Group of Three should in future follow the practice of the Committee on the Elimination of Racial Discrimination (i.e., after having provided initial reports, States parties should be requested to submit further comprehensive reports only on every second occasion thereafter when reports were due - every four years - and to present brief updating reports on each intervening occasion when reports were due under the Convention).

F. Committee against Torture

43. The Chairman of the Committee stated that it was premature to try to identify problems relating to the reporting procedure established under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, since States parties to the Convention had been requested to submit their initial reports for the first time in the course of 1988 or 1989, and the Committee against Torture could not begin its consideration of those initial reports until its second session in April 1989.

44. However, the Committee had already encountered a problem that would arise again in its future activities and might also affect the operation of the reporting system under the Convention: the lack of financial resources. He recalled that States parties were responsible for expenses relating to the implementation system of the Convention, as provided in its article 17, paragraph 7, and article 18, paragraph 5. The activities of the Committee thus required that the contributions of States parties be set at appropriate levels and be paid in good time. The financial decisions of the first meeting of States parties held in November 1987 had prevented the Committee from meeting for a second session in 1988, thus creating a situation in which reports submitted by States parties in June 1988 could not be considered by the Committee until April 1989.

45. He stated that the attention of States parties should be drawn to the fact that without their co-operation in faithfully discharging their financial obligations the long—term viability of all the activities envisaged under the Convention, including its reporting procedures, could not be guaranteed.

IV. REMEDIAL ACTION

A. Harmonization and consolidation of reporting guidelines

46. It was noted that the possibility of achieving some consolidation of the various reporting guidelines had already been discussed at the meeting of Chairmen held in 1984. In the course of the discussion, it was stressed that the reporting procedure under each of the human rights instruments had its own specific requirements and that it would therefore not be possible fully to harmonize and consolidate all of the reporting guidelines. However, general basic information and data on each country, which would be of common interest to all treaty bodies, could be requested. It was suggested that such a “core document” should contain relevant background information on each State party and be available to the members of the committees during the consideration of the report of the State concerned. Particular attention should be paid in such a document to information concerning the political system, the main features of the legal order, the legal status of international instruments within the national legal system, the recourse procedures for the protection of human rights, demographic data and other relevant economic, social and cultural data that the State party believed to be important.

47. Various suggestions were put forward as to how such a core document might best be prepared. One proposal was that the document should be prepared by each State party and submitted to the Centre for Human Rights so that it could be made available, as appropriate, to each of the treaty bodies. The document could be updated every five years or more frequently, at the discretion of the State concerned. A related suggestion called for the relevant information to be contained in the initial part of any report sent for consideration to a treaty body and then updated in each subsequent report to that body. A third suggestion was that a questionnaire could be submitted to all States parties indicating the information needed by the Centre for Human Rights, which would then be responsible for the preparation and production of the document.

48. It was noted that several of the committees had requested that relevant statistical data, drawn from authoritative sources, should be made available to them in connection with their consideration of States parties' reports. The importance of the availability of such data was generally recognized, and it was suggested that the committees should have available to them at least the relevant data contained in the Statistical Yearbook of the United Nations and the annual statistical report of the International Monetary Fund, entitled "International Financial Statistics", as well as all of the statistical tables appended to the World Development Report of the World Bank and The State of the World's Children of the United Nations Children's Fund (UNICEF), each of which were updated annually. It was also noted that as far as possible, and whenever appropriate, use should be made of statistics and other information available from relevant international organizations, including agencies such as the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO).

49. With particular reference to the Committee on Economic, Social and Cultural Rights, it was observed that the existing reporting guidelines were excessively complicated and demanding and accordingly very difficult, if not impossible, to comply with. For that reason, the Committee had agreed to their revision and simplification. However, it was suggested that, in carrying out such a revision, the Committee might need to consult experts from the specialized agencies and elsewhere.

50. Another suggestion, which was prefaced by an acknowledgement that it would require considerably more reflection and refinement before being acted upon, was that consideration should be given in the longer term to the possibility of each State party preparing a single overall report. Each body would then have to deal with that part of the report which fell within its competence. The preparation of the report could, if so requested, be undertaken with the assistance of experts from the Centre for Human Rights.

51. Support was expressed for the preparation of a manual to assist States parties in fulfilling their reporting obligations, and it was noted that the Centre for Human Rights, in collaboration with the United Nations Institute for Training and Research (UNITAR), was currently working towards that goal. While it would be desirable to consult with each of the relevant treaty bodies in the process of drafting the manual, it was noted that the committees themselves were ultimately responsible for determining the adequacy or otherwise of reports and that the manual should not be considered to be a definitive, or in any way binding, statement as to the relevant requirements.

52. It was also suggested that greater uniformity in reporting might be achieved by each State party if it were to establish a unit for the preparation of all of the reports submitted to the international human rights treaty bodies. Such an initiative would render the technical assistance provided by the Centre for Human Rights more effective and would help to reduce duplication in the submission of information.

53. It was generally agreed that whenever a State party had dealt with an issue in considerable detail in reporting to one committee, it need not reproduce exactly the same information in reporting to another committee. Rather, it was preferable to include a cross-reference to the original document

on the assumption that the Secretariat would have made available to committee members copies of all of the relevant reports. Such a practice was already followed by some States in their reporting to the Human Rights Committee and could achieve considerable savings of time and materials.

B. Co-ordination of periodicity of reporting under the various United Nations instruments

54. The meeting took note of the fact that significant changes had recently taken place in respect to the timing and nature of the reporting requirements under both the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. It was generally agreed that those changes would reduce the burden imposed on reporting States and would further enable States that were parties to several of the principal treaties to arrange the preparation of their reports so as to distribute the burden more evenly over time. It was also agreed that each treaty body should keep the matter under review in the hope that further improvements might be identified in the future.

55. The problem of the non-submission, or excessively late submission, of reports was underlined. It was noted that the failure to report significantly undermined the objectives of the treaties and that every effort should be made by the States parties concerned to fulfil the reporting obligations that they had undertaken. The discussion on positive measures of assistance that might be provided to States is reflected in section D below. It was generally agreed that the treaty bodies should explore all possible means to promote the submission of overdue reports. In that regard, it was said that consideration might be given to the following measures, for example, which had already been used by the Human Rights Committee:

- (a) Dispatching written reminders (twice yearly);
- (b) Calling attention to the problem through personal contacts by individual members (from the relevant region) with representatives of the States parties concerned;
- (c) Listing in the committees' annual reports to the General Assembly the names of States parties with overdue reports;
- (d) Inviting the permanent representatives of the States parties concerned to discuss with the committee (in closed meetings) their countries' difficulties in respect of reporting;
- (e) Designating members of the Bureau to contact the permanent representatives of the States parties concerned;
- (f) Dispatching special letters from the Chairman to the Foreign Ministers of States parties with long-overdue reports;
- (g) Arranging for a visit by a member of the committee to a State party to provide expertise and advice.

56. Mention was also made of the possibility of the committees establishing a "special list" that would serve to highlight the names of those States parties that had been particularly unresponsive to repeated requests to submit overdue reports.

C. Measures for expediting consideration of periodic reports

57. In order to expedite the consideration of reports, there was general agreement on the potential usefulness of the increasingly widely used practice of nominating rapporteurs, co-ordinators or a working group to undertake a preliminary analysis of the reports or of certain issues to be discussed during the consideration of a report, and to prepare a list of principal issues to be raised with the reporting State.

58. It was also noted that most, if not all, of the committees had, on occasion, experienced difficulties with delegations speaking at undue length, either when introducing a report or when responding to questions. One committee had adopted relatively strict time-limits, but it was generally agreed that the appropriate limits would have to be decided by each committee in the light of its own circumstances and that, in any event, there would always be instances where additional time was required to ensure adequate presentation and discussion of a report. Particular emphasis was placed on the need for committee members to exert self-restraint and to pose questions as precisely and concisely as possible.

59. There was some discussion as to whether the completion by the various committees of the consideration of initial reports by States parties would lead to a reduction or an increase in the amount of time required for their consideration of follow-up reports. Some speakers expressed the hope that less time would be necessary, while others felt that the discussion would require more time as the committees began to tackle issues in greater depth and with more sophistication.

D. Projects for technical assistance and advisory services with a view to assisting States parties to fulfil their reporting obligations
reporting obligations

60. It was generally agreed that the provision of technical assistance and advisory services to States parties having acknowledged difficulties in preparing their reports was highly desirable. In that regard, the meeting welcomed the proposals contained in the relevant report by the Secretary-General to the Commission on Human Rights (E/CN.4/1988,40). It was felt that the regional and subregional training courses on reporting issues had been of great value and should be continued on a regular basis. For that purpose, it would be desirable for the Centre for Human Rights to obtain the appropriate expertise for undertaking training activities. It was asked whether individual fellowships were a cost-efficient way of providing training for reporting purposes in view of their cost and the high rotation of the national officials concerned.

61. Another dimension of advisory services to which reference was made concerned the possibility of the committees being encouraged to make recommendations for specific activities to be funded on the basis of their examination of a State's report. Thus, for example, assistance could be recommended for the drafting of necessary human rights legislation, for particular educational activities or for the establishment of appropriate national institutions. It was pointed out, however, that the latter activity should be undertaken only with great care since in some cases national human rights institutions had been created mainly in order to conceal continuing violations by the Government concerned.

62. It was suggested that consideration might be given to establishing a board of trustees to administer the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, to ensure appropriate expert input and to protect the Secretary-General from political pressures. Were such an initiative taken, it would seem appropriate to include one or two members drawn from any of the committees on the board. In any event, the hope was expressed that in future there would be greater consultation with the committees on the question of the provision of advisory services in treaty-related matters.

V. CO-ORDINATION OF FUTURE ACTIVITIES

A. Exchange of information and documentation

63. In general terms, it was noted that the number of relevant bodies and the amount of documentation in the human rights field had increased dramatically in the past decade. As a result, the treaty bodies should not be viewed in isolation, but as part of an overall system that included not only other United Nations organs, such as the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, but also the principal regional bodies. While there was no question of seeking to impose “uniformity” on the different bodies, it was nevertheless important for the treaty bodies to be aware of the activities and approaches of other relevant bodies. Thus, with respect to the regional organizations, it was suggested that occasional meetings should be arranged between the persons chairing the African, European and Inter-American commissions and those chairing the United Nations treaty bodies. It was also suggested that each member of the various treaty bodies should receive a copy of the annual report of the Inter-American Commission on Human Rights and of the annual publication entitled Stock-taking on the European Convention on Human Rights, issued by the Council of Europe. Similarly, occasional exchanges should be arranged at the working level of the relevant secretariats.

64. With respect to the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it was noted that special rapporteurs were sometimes engaged in activities that were of direct and immediate relevance to the work of the treaty bodies. Examples cited included the Commission’s Special Rapporteur on torture and the Sub-Commission’s Special Rapporteur on economic, social and cultural rights. It was suggested that, if possible and appropriate, an effort should be made to facilitate an exchange of views between the relevant entities, perhaps on an informal basis (i.e. with interpretation but without summary records).

65. It was noted that the greatly increased number of reports by States parties, together with the enormous volume of other relevant documentation, already made it very difficult for committee members to keep track of, let alone synthesize, the diverse sources of information. That problem would probably be further compounded in the future as more ratifications were received and new instruments entered into force. For those reasons, it was said to be essential to make use of the opportunities provided by computerization in order to reduce unnecessary work, increase efficiency and assist States parties in their own endeavours. While it was recognized that a greater use of computers would entail costs, it was suggested that considerable savings in money and staff time could result in the long term. It was proposed that a small task force be established, consisting of an expert from one of the committees, a computer expert and a Secretariat member to be appointed by the Secretary-General, to explore the costs and benefits of making greater use of computers to assist the committees in their work.

66. Another proposal was to establish a “committee resource room” in the Centre for Human Rights in which the principal documentation of the relevant committees could be kept, along with copies of the constitutions and other basic legislation of States parties. In addition, relevant reports from other United Nations bodies and other sources could be made available for the information of experts. Such a facility would also encourage greater interaction among committee members, which was considered highly desirable. It was noted that virtually all of the documents could be obtained free of charge and that interns could be responsible for arranging and cataloguing the materials so as not to incur additional staffing costs.

B. Enhancing co-operation with specialized agencies

67. It was noted that on many occasions the various specialized agencies, particularly ILO and UNESCO, had provided considerable assistance to the various treaty bodies. It was agreed that

enhanced co-operation was desirable and it was suggested that it might help if requests for information were made in as precise terms as possible. It was also suggested that experts from the agencies might occasionally be asked in future to appear before one or other of the committees in order to provide a technical briefing on a specific issue, perhaps in private session (i.e. without summary records), if that would facilitate a more productive dialogue. Similarly, committees could delegate one of their members to spend a day or two in consultations with relevant agency officials and report back to their committee on a particular issue. It was thought that such procedures might be useful in connection with preparing general comments or revising guidelines.

C. Communication among Chairpersons

68. It was generally agreed that the meetings of Chairpersons should be convened on a regular basis every one or two years. It was also suggested that consideration be given to inviting the persons chairing the principal regional commissions, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the ILO and UNESCO committees on conventions and recommendations and other competent bodies. It was agreed that the chairpersons should seek to remain in contact with one another as appropriate.

69. In order to enhance communication among the different committees, it was suggested that consideration be given to scheduling sessions to allow overlapping so that the members of one committee could interact with their counterparts on another committee.

VI. OTHER MATTERS

A. Financing

70. There was considerable discussion of the difficulties that had arisen as a result of factors such as the financial crisis of the United Nations, the non-payment of assessed dues by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, and the method of “self-financing” provided for in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was strongly emphasized that all of the existing treaty bodies were indispensable components in the overall international system for the promotion and protection of human rights, and that any action that jeopardized or actually prevented their effective functioning must be countered by appropriate measures on the part of the United Nations. It was said that the failure of a limited number of States parties to fulfil their financial obligations under the relevant treaties must not be permitted to obstruct or otherwise undermine the work of the committees. To accept such unilateral interference would be tantamount to providing a right of veto to any State party that, for whatever reason, wished to paralyse an entire committee. That would be contrary to the fundamental assumptions on which the provisions of the Charter of the United Nations on human rights, as well as the various treaty obligations, are predicated. It was noted that the United Nations, above all the Commission on Human Rights (as the relevant functional organ) and the General Assembly (as the highest organ), had a responsibility to ensure the efficient functioning of the mechanisms established under the human rights instruments, in which the Organization had invested considerable effort and financial resources and which had been adopted by the General Assembly. The experience with the Committee on the Elimination of Racial Discrimination and the Committee against Torture suggested that the self-financing system did not contribute to ensuring the effective operation of those mechanisms or to promoting the acceptance of the obligations inherent in the instruments. It was therefore agreed that the General Assembly should, as a matter of the highest priority, ensure the financing of the committees from the United Nations regular budget or make other financial arrangements as necessary in order to enable each of the committees to operate effectively.

71. By the same token, it was acknowledged that the possible creation of additional committees

in the future, as a result of the entry into force of new treaties, would have potentially significant financial implications. It was suggested that the General Assembly might consider entrusting one or two experts with the task of preparing a study on possible long-term approaches to the supervision of new instruments in the light of all relevant considerations.

B. Secretariat servicing

72. It was agreed that the level and amount of services that the Secretariat was able to provide to the various committees was an important determinant of how efficiently and effectively they were able to function. While the meeting was fully aware of the financial difficulties currently facing the United Nations, it was noted that the Committee on the Elimination of Discrimination against Women had not even been able to adopt its report during its last session because of inadequate Secretariat services in New York. As a result, the report had had to be adopted by correspondence, an entirely unsatisfactory arrangement. In addition, that Committee had, in the report on its seventh session, 2/ requested the current meeting to note the need to strengthen the secretariat of the Committee in general, especially with regard to technical and legal advice.

73. It was generally agreed that, in order to maintain the current high level of Secretariat services, Secretariat services should be strengthened in both the Centre for Human Rights and the Branch for the Advancement of Women. It was emphasized that that was not an attempt to undermine efforts to limit or reduce United Nations staffing levels, but a request that appropriate consideration be given to the rapidly expanding work-load of the various committees as a result of increasing numbers of ratifications and accessions and a major increase in the number of communications being submitted to the relevant bodies.

74. In the course of the discussions, it was proposed that the Committee on the Elimination of Discrimination against Women meet occasionally in Geneva to facilitate interaction with other committees, the specialized agencies and the extensive Geneva-based community of non-governmental organizations. It was also suggested that consideration be given to merging the secretariat of that Committee with the Centre for Human Rights to save costs and to facilitate and enhance co-ordination among all of the human rights treaty bodies. Alternatively, it was suggested that the relevant parts of the United Nations Secretariat should provide the necessary assistance to enable the secretariat of the Branch for the Advancement of Women to provide the Committee with the level of services it requires.

C. Publicity

75. It was agreed that every effort should be made to enhance media coverage of the work of the treaty bodies. It was noted with regret, however, that the deliberately unsensational nature of their work made them comparatively uninteresting to much of the media. It was suggested that, whenever the report of a State party was under consideration, the text of the report and a summary of the committee proceedings should be disseminated as widely as possible by the United Nations information centre, if any, located in the State concerned. Holding press conferences at the end of committee sessions, writing in academic journals and the issuing of press releases were all supported as publicity options. In addition, emphasis was placed on the need for widespread dissemination of all relevant instruments at the national level, on the importance of human rights teaching at all levels (including in police and military training schools) and on the vital role of non-governmental organizations in such endeavours.

D. Composition of the committees

76. It was noted that all the members of the Committee on the Elimination of Discrimination against Women were female. By contrast, only seven of a total of 64 members in the other four expert committees were female. The view was expressed that a better balance, in terms of gender, was desirable in the membership of all the committees. It was noted that that was, of course, a matter for individual Governments to take into account when making nominations and casting votes in elections.

E. More effective use of time between sessions

77. It was observed that one of the most valuable resources of the committees was the expertise of their members. For that reason, it was suggested that greater use should be made of members' expertise by assigning tasks to be performed between committee meetings. It was noted that several of the committees were already making use of such opportunities and that they essentially entailed no costs to the United Nations. It was suggested, for example, that an individual committee member could be designated to prepare the first draft of proposed general comments, to undertake the revision of guidelines or to brief a committee on a topic of general interest. His or her work would not in any way commit the Committee to a particular position, but it would ensure an active and continuing role for members, relieve time pressures during sessions, enhance the quality of inputs and avoid the need for interpretation and travel costs incurred when a working group was involved.

VII. CONCLUSIONS AND RECOMMENDATIONS

78. The following conclusions and recommendations are respectfully submitted to the General Assembly for its consideration in accordance with its resolutions 41/121 and 42/105. Some concern action that might be taken by the General Assembly itself or by other appropriate organs of the United Nations, while others fall within the competence of the respective treaty bodies or of the States parties to the treaties. However, no distinction is drawn in this regard for the purposes of the present report, since the mandate of the meeting is to propose diverse means to improve the functioning of the treaty supervisory system.

A. Matters requiring urgent action

79. The respective treaty bodies should be required to consider, on the basis of a proposal prepared by the Secretariat (see A/40/600, para. 21), a possible consolidation of their respective guidelines governing the initial part of each State party's report.

80. Each treaty body should use all appropriate means to promote the submission of overdue reports. For this purpose, the Secretary-General should consider instituting a regularly scheduled consultation with the representatives of States concerned while they are in attendance at the annual session of the Commission on Human Rights and the General Assembly or other appropriate occasions.

81. Technical assistance and advisory services should be provided on a regular basis by the Secretary-General to assist States parties in fulfilling their reporting obligations. Regional and subregional training courses in the preparation and submission of reports by States parties are of particular value in this regard. Priority should also be given to the provision of assistance, upon request, to States contemplating ratification of the relevant instruments.

82. A task force on computerization should be appointed by the Secretary-General to explore the costs and benefits of computerizing the work of the committees. A member of one of the expert committees should be a part of the task force.

83. The General Assembly, in carrying out its responsibility relating to the proper functioning of the human rights treaty bodies established to monitor the implementation of instruments adopted by the Assembly itself, and as a matter of the highest priority, should ensure the financing of each of the

committees from the United Nations regular budget or make any other financial arrangements that may be necessary to enable each of the committees to operate effectively.

84. The General Assembly should entrust one or two experts with preparing a study on possible long-term approaches to the supervision of new instruments in the light of all relevant considerations.

85. More adequate staffing resources should be provided immediately to service the Committee on the Elimination of Discrimination against Women and, as soon as the overall financial situation permits, additional resources should be provided to the other committees to enable them to discharge all of their responsibilities.

B. Other matters requiring attention

86. The Secretariat should provide the members of each committee with relevant statistical information whenever it is readily available from an intergovernmental body. Committee members should have access to at least a copy of the Statistical Yearbook of the United Nations and the annual statistical report of the International Monetary Fund, entitled 'International financial statistics', and should each receive annually a copy of the statistical tables appended to the World Development Report of the World Bank and The State of the World's Children by UNICEF.

87. The detailed reporting manual intended to assist States in the fulfilment of their reporting obligations, which is being prepared by the Centre for Human Rights in collaboration with UNITAR, should be given high priority. Each of the committees should be given an opportunity to comment on a draft of the manual.

88. Each Government should be encouraged to consider establishing a unit that would prepare all of the reports submitted by that State to the treaty bodies.

89. In drafting their reports, States parties are urged to refer, whenever appropriate, to information contained in reports submitted to other treaty bodies, rather than repeating the same information.

90. Each treaty body should continue to review the possibility of revising its requirements as to the periodicity of reporting, taking into account the burden on States and the need for an effective reporting procedure.

91. Treaty bodies should consider how best to make use of individual rapporteurs or co-ordinators and working groups, in order to expedite the timely and effective consideration of periodic reports.

92. Each treaty body should consider imposing some general time-limits on speakers, while acknowledging that exceptions will have to be made in particular cases.

93. The treaty bodies should be consulted when drawing up the relevant parts of the advisory services programme and, if a board of trustees is established to advise the Secretary-General on the functioning of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, consideration should be given to including one or more experts from the treaty bodies.

94. In order to facilitate a more efficient exchange of information and documentation, occasional meetings should be convened between the Chairpersons of the United Nations treaty bodies and those of the relevant regional commissions and the ILO and UNESCO committees on conventions and recommendations and other competent bodies.

95. The treaty bodies should consider establishing procedures designed to facilitate regular

meetings with special rapporteurs of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities who are working on directly relevant subjects, whenever this would be useful.

96. Requests for information directed to the specialized agencies by the treaty bodies should be as precise as possible. Efforts should also be made to develop direct dialogue with competent officials from the agencies concerned, where appropriate.

97. The meetings of Chairpersons should be scheduled regularly on an annual or biennial basis with a view to exchanging experience and improving the implementation of the different instruments.

98. Continuing efforts should be made to ensure publicity for the work of the treaty bodies at both international and national levels. The United Nations information centre in each country should be directed to distribute copies of the report itself, along with details of the Committee's consideration of it, whenever a report of a particular State party is considered.

99. A better gender balance in the composition of the various committees would be desirable.

100. Each treaty body should consider how best to make use of the expertise of its members during the periods between sessions.

Notes

1/ Official Records of the General Assembly, Forty-second session, Supplement No. 38 (A/42/38).

2/ Ibid., Forty-third session. Supplement No. 38 (A/43/38), para. 53 (a).