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**EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS**

Note by the Secretary-General

The Secretary-General transmits herewith to the General Assembly the report of the third meeting of persons chairing the human rights treaty bodies convened pursuant to General Assembly resolution 44/135 of 15 December 1989.

ANNEX

Report of the third meeting of persons chairing the
human rights treaty bodies

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the problems relating to the reporting obligations of States parties to various human rights instruments. Those problems have also received careful 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.
2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened a first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). A second meeting was convened by the Secretary-General in October 1988, pursuant to General Assembly resolution 42/105 of 7 December 1987, and the report of that meeting was presented to the General Assembly (A/44/98, annex).
3. In its resolution 44/135 of 15 December 1989, the General Assembly endorsed the recommendations of the meeting aimed at streamlining, rationalizing and otherwise improving reporting procedures and invited the persons chairing the human rights treaty bodies to maintain communication and dialogue with each other on common issues and problems. To that end, the Secretary-General was requested to convene a third meeting in 1990. In its resolution 1990/25 of 27 February 1990, the Commission on Human Rights invited the meeting to discuss the range of problems affecting the effective implementation of human rights treaties and further requested

that the third meeting be convened in time to allow for the consideration of its conclusions and recommendations by the General Assembly at its forty-fifth session.

4. The third meeting of the persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 44/135 and Commission on Human Rights resolution 1990/25.

II. ORGANIZATION OF THE MEETING

5. The meeting was held at the United Nations Office at Geneva from 1 to 5 October 1990 and involved the following participants: the Chairman and the Rapporteur of the Human Rights Committee (Mr. Rajsoomer Lallah 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. Agha Shahi), the Chairman of the Committee on the Elimination of Discrimination against Women (Ms. Elizabeth Evatt), a member of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid (Ms. Lourdes Vallarino)^{1/} and the Chairman of the Committee against Torture (Mr. Joseph Voyame).

6. Mrs. Christine A. Brautigam, United Nations Institute for Training and Research (UNITAR) Fellow, also participated in one of the meetings. Comments were also made, at the invitation of the meeting, by representatives of Amnesty International and the International Service for Human Rights.

7. The agenda for the meeting was as follows:

1. Opening of the meeting.
2. Election of the Chairman.
3. Adoption of the agenda.
4. Review of follow-up to the conclusions and recommendations adopted at the second meeting of Chairpersons.
5. Review of recent developments relating to the work of the treaty bodies.
6. Matters requiring special consideration:
 - (a) Study on the possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668);
 - (b) Draft reporting manual to assist States in fulfilling their reporting obligations;
 - (c) Identification of possible technical assistance projects by the treaty bodies;
 - (d) Report of the Secretary-General on logistical and human resources support (E/1990/50).

^{1/} Owing to unforeseen circumstances Ms. Lourdes Vallarino was unable to participate in the meeting.

7. Other matters.
8. Conclusions and recommendations.
8. The following documentation was made available to participants:
 - (a) Provisional agenda (HRI/MC/1990/L.1);
 - (b) Report of the Secretary-General on progress achieved in improving the operation of the reporting system and review of proposed additional measures (HRI/MC/1990/L.2);
 - (c) Study on possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668);
 - (d) Draft reporting manual to assist States in fulfilling their reporting obligations;
 - (e) Report of the Secretary-General concerning the situation and developments regarding the logistical and human resources support for the activities of the Centre for Human Rights (E/1990/50);
 - (f) Background documents, including the note by the Secretary-General (A/44/98), to which was annexed the report of the second meeting; the report of the Secretary-General on the study on computerizing the work of the human rights treaty monitoring bodies (E/CN.4/1990/39); the report of the Secretary-General containing a list of articles showing the nature and extent of overlapping under six international human rights instruments (HRI/MC/1988/L.3); General Assembly resolutions 44/135 of 15 December 1989 and 43/115 of 8 December 1988; Economic and Social Council resolution 1990/47 of 25 May 1990; and Commission on Human Rights resolutions 1990/21 and 1990/25 of 27 February 1990.
9. The meeting was opened by the Under-Secretary-General for Human Rights. In his introductory statement the Under-Secretary-General drew attention to the Secretary-General's most recent report on the activities of the Organization and reviewed some of the issues and documentation that were before the meeting. He spoke in particular about the challenge of enhancing information flows both to and from the treaty bodies and suggested a number of initiatives which might be considered by the meeting. Reference was made to the difficult financial situation of the Organization and to the need for greater resources to be made available to the human rights sector. The Under-Secretary-General also reviewed the significance of recent developments in the world and observed that, while denouncing was a necessary condition for the recognition of human rights, it was not in itself sufficient in order to ensure the actual enjoyment of those rights.
10. Mr. Philip Alston was elected Chairman/Rapporteur of the meeting.

III. REVIEW OF RECENT DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES

11. Under this item, the various participants provided a brief oral review of some of the problems and factors that were of special concern to the respective treaty bodies. In particular, problems relating to the following areas were highlighted: (a) financing and logistical support,

including the reduction of the number of sessions owing to the lack of resources, insufficient secretariat support and lack of adequate publicity for the work of the committees; (b) consideration of reports, including the adequacy of reports, the provision of technical assistance to States parties and maximization of the use of time during sessions; (c) information, including the need to develop co-operation with specialized agencies, regional organs and non-governmental organizations; and (d) universalization of the applicability of the human rights treaties, including the need for more ratifications and greater consistency between the obligations imposed by the conventions.

12. The participants noted with special concern the persistence of the problem of overdue reports, which affected all of the treaty bodies and which now amounted to a total of 767 reports.

IV. MATTERS REQUIRING SPECIAL CONSIDERATION

A. Financial situation of human rights treaty bodies

13. Reference was made, in particular, to the financial crisis which had adversely affected the activities of the Committee on the Elimination of Racial Discrimination since 1986. It was recalled that the non-compliance of a significant number of States parties with their financial obligations under article 8, paragraph 6, of the Convention on the Elimination of All Forms of Racial Discrimination had resulted in the reduction or cancellation of several sessions of the Committee and consequently in a backlog of reports to be considered. It was pointed out that a similar situation might occur in respect of the Committee against Torture, whose activities were entirely dependent, under article 17, paragraph 7, and article 18, paragraph 5, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on the financial contributions of States parties. It was noted that States parties to that Convention, at their second meeting on 28 November 1989, had expressed concern that the accumulation of arrears in the payment of assessed contributions might ultimately have a paralysing effect on the monitoring of the Convention's implementation.

14. The meeting drew attention to remedial measures envisaged in several resolutions of the General Assembly and the Commission on Human Rights with regard to the financing of the Committee on the Elimination of Racial Discrimination and, in particular, to the measures envisaged by Commission on Human Rights resolution 1990/25. In paragraph 10 of that resolution, the Commission had recommended that a "contingency reserve fund" be established with the concurrence of concerned States parties to the Convention to make it possible to regularize the meeting schedule of the Committee on the Elimination of Racial Discrimination.

15. While endorsing the measure recommended in paragraph 10 of resolution 1990/25, the persons chairing the human rights treaty bodies were of the view that such a measure had to be considered as a temporary arrangement. They reiterated the conclusion reached at their second meeting, in October 1988, that the General Assembly was responsible for the proper functioning of the human rights treaty bodies established to monitor the implementation of instruments that had been adopted by the Assembly itself and once again recommended that the Assembly should ensure the financing of each of the committees from the United Nations regular budget or make other appropriate financial arrangements that may be necessary to enable each of the committees to operate effectively on a permanent basis.

16. The persons chairing the human rights treaty bodies also stated that, notwithstanding the principle that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must fulfil their financial obligations, and that every effort

had to be made by the United Nations to promote respect for those obligations, strong consideration should be given by the General Assembly to the possibility of amending those human rights instruments in order to guarantee the long-term viability of their monitoring mechanisms. In this connection, they expressed their support for the various proposals to deal with the actual or potential financial problems of certain treaty bodies contained in paragraphs 97 to 99 of the study on effective implementation of international instruments on human rights, including reporting obligations under these instruments (A/44/668).

B. Servicing and resources available to human rights treaty bodies

17. With regard to this issue, the persons chairing the human rights treaty bodies recalled that at their second meeting they had recommended that 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 permitted, additional resources should be provided to the other committees to enable them to discharge all of their responsibilities. Reference was made, in that connection, to the report on the situation regarding the logistical and human resources support for the increasing activities of the Centre for Human Rights (E/1990/50), which, *inter alia*, provided explanations on the basic needs of the Centre to ensure adequate services to all human rights bodies with particular attention being given to the servicing of treaty bodies as emphasized by the Commission on Human Rights in its resolution 1990/25.

18. Considerable attention was devoted at the meeting to the present arrangements devoted to the servicing of the Committee on the Elimination of Discrimination against Women. The importance of ensuring that that Committee remain in close contact with the other treaty bodies and that it is fully informed in its work of the activities of the other principal human rights organs, such as the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was clearly recognized. It was noted that those needs would become even more crucial in the future as the number of treaty bodies increased, as the possibilities for duplicative activities grew, and as the quest to promote normative consistency became even more challenging.

19. It was observed, however, that the present institutional arrangements, whereby the Committee alone was serviced from Vienna (by the Centre for Social Development and Humanitarian Affairs), while all of the other treaty bodies are serviced from Geneva (by the Centre for Human Rights), were not at all conducive to facilitating the type and level of interaction that was necessary. The difficulties caused by geographical separation were further exacerbated by the inadequate secretariat resources available to Committee members at Vienna. While conference servicing needs had generally been satisfied and improvements made as to the Committee's New York sessions, no significant research, analytical or informational services were provided. Moreover, while the Secretariat provided help with its limited resources, the specialist expertise of the Vienna Centre did not extend to a close knowledge of the activities of all of the human rights organs and treaty bodies of the United Nations system. In addition, the benefits that the Committee had derived from proximity to the secretariat of the Commission on the Status of Women had been minimal as there were no formal links between these bodies. The fear was expressed that the present system could lead to the Committee becoming isolated from the United Nations human rights system as a whole.

20. For those reasons, the meeting agreed that strong and active consideration should be given to relocating the functions relating to the Convention on the Elimination of All Forms of Discrimination against Women to the United Nations Office at Geneva. It was observed that while this proposal might be seen as an attempt by the Geneva secretariat to expand its coverage (albeit minimally) at the expense of that in Vienna, such an interpretation would be entirely unwarranted. The dominant consideration in this regard had to be the best interests of the

Committee itself and of the human rights treaty régime as a whole. It was suggested that the best way to proceed might be for the General Assembly to request that the Chairman of the Committee discuss the matter with the Committee at its next session and prepare without financial implications a brief evaluation of the advantages and disadvantages of the proposal, to be forwarded to the General Assembly in due course.

21. On the broader question of secretariat servicing for the treaty bodies, the meeting again drew attention to the fact that the work of the Centre for Human Rights had increased very greatly in recent years but that resources had failed to keep pace with the work-load and the increase in responsibilities. They generally agreed that it was necessary to increase the logistical and human resources of the Centre, especially to assist the treaty bodies in carrying out their mandates.

C. Cross-referencing in the reporting procedures

22. The persons chairing the human rights treaty bodies noted that the term “cross-referencing” would be understood to mean the incorporation in a report to a treaty body of material included in a report to another treaty body by annexure, quotation or reference. They agreed that the practice of making cross-references in the reports to be submitted by States parties to more than one international human rights instrument was necessary to alleviate the task of States parties, which frequently had to provide comprehensive information to each of the treaty bodies, as well as to avoid duplication in the information submitted. This practice was increasingly justified by the entry into force of new instruments and new reporting procedures, such as the Convention on the Rights of the Child, which contained matters already covered by other instruments. However, the meeting was of the view that a methodology had to be found to avoid depriving treaty bodies of the information they needed in the overall context of the implementation of a particular instrument, especially where interrelated rights and inconsistencies could be at issue.

23. Most participants felt that cross-referencing could not be systematic and its acceptability had to be left for determination by each treaty body on a case by case basis. It was recommended that, in the future, treaty bodies should share information with each other about their practices in the foregoing regard.

24. Furthermore, the view was expressed that a detailed technical analysis of the provisions of various human rights instruments would enable treaty bodies to identify not only the overlapping of provisions but also the differences in formulation and content between texts of certain international legal provisions. Cross-references to these provisions would also be useful to avoid competing interpretations with regard to their application.

25. In addition, it was suggested that similarities among provisions of different human rights instruments could be indicated in the reporting manual to assist States in fulfilling their reporting obligations and that specific proposals with respect to cross-referencing could be included in the general guidelines for the submission of reports by States parties. It was also noted that those issues could be addressed more fully in the context of seminars that should be organized for those persons in governmental service who materially prepared reports to be submitted to treaty bodies.

26. It was also suggested that each treaty body could appoint members who would establish liaison with each of the other treaty bodies and would be in regular contact with them with a view to solving specific problems, including those relating to cross-referencing. Those members could be invited to participate in meetings of the relevant treaty bodies and could brief the members of those bodies about important matters of mutual concern.

D. Normative consistency

27. The persons chairing the human rights treaty bodies noted that certain inconsistencies in the provisions of international instruments and, in particular, between provisions of international instruments and those of regional instruments might raise difficulties with regard to their implementation. Furthermore, they felt that a degree of consistency should be sought among the general comments that treaty bodies were preparing with regard to the interpretation and application of provisions of various human rights instruments. In this connection, they reiterated the view that increased contacts on a permanent basis among treaty bodies, and not only among chairmen of treaty bodies, would avoid inconsistencies and promote knowledge and harmonization of the work of each treaty body. They were of the view that for that purpose the appointment of a member of a treaty body who would establish liaison with the other treaty bodies on these and other matters, as mentioned above, was a very useful suggestion. It was also recalled that the secretariat had the important role of advising on inconsistencies or overlapping of legal provisions especially when new international human rights instruments were under elaboration.

E. Computerization

28. The meeting took note with interest of the study on computerizing the work of the human rights treaty monitoring bodies (E/CN.4/1990/39). The suggestion was made that regular contacts be established between the secretariat of the Committee on the Elimination of Discrimination against Women and the Centre for Human Rights in order to share information relating to the programme of computerization.

F. The development of new international human rights instruments and its implications

29. With regard to this issue, differing views were expressed as to whether preference should be given in the future to non-binding instruments over binding instruments. The opinion was expressed that possibilities of elaborating both binding and non-binding human rights instruments should be left open. Often, in the United Nations, a declaration on a particular human rights issue was followed by the elaboration of a convention on the same issue. It was agreed, however, that whenever possible the supervisory or monitoring functions established under new human rights treaties should be assigned to appropriate existing treaty bodies that were felt to possess the necessary competence. New instruments should be adopted, to the extent possible, in the form of protocols to existing instruments. Should such new responsibilities be contemplated, the relevant monitoring bodies should be consulted and appropriate arrangements, including for staff and financial support, be made. Equally, however, it was pointed out that if the subject-matter of a new instrument required particular expertise, a specific body of experts might need to be established to monitor that instrument.

G. New international human rights instruments and the desirability of taking into account existing provisions in drafting new instruments

30. As noted above, the meeting generally agreed that it would be preferable to elaborate new instruments in the form of protocols to existing instruments. However, if this was not possible, certain basic points should be taken into account in drafting the text of new instruments.

31. The persons chairing the human rights treaty bodies were of the view that new international human rights instruments should not specify the periodicity of reporting by States parties, but should simply indicate that the periodicity should not exceed five years. They also agreed that new instruments should not indicate the maximum duration of the sessions of their supervisory organs and that a thorough review of existing international provisions should be made before drafting new instruments. At every stage in the drafting process the possibility of overlap and the need for consistency in standards should be given close attention. Similarly, a comprehensive “technical review” should always be carried out before a new instrument is finally adopted. In addition, whenever new instruments were being drafted, every effort should be made to ensure that adequate travaux préparatoires were made.

32. The persons chairing the human rights treaty bodies also raised the question of difficulties in monitoring the implementation of international legal provisions which might be caused by the confidentiality of certain procedures established under other international instruments. They agreed that confidentiality should not preclude contacts among treaty bodies that would be essential to ensure the respect of the legal provisions concerned. Furthermore, they agreed that new human rights instruments should make provision for the financing of their monitoring mechanisms through the regular budget.

33. They also felt that a briefing for newly elected members of treaty bodies about the work of the treaty bodies, United Nations organs, specialized agencies, and other relevant matters would be useful. It was suggested that such a briefing would be in addition to that given informally by other members and should be arranged in an appropriate manner with the assistance of the secretariat.

H. Technical assistance

34. It was recalled that the General Assembly, in its resolution 44/135, had invited the treaty bodies to give priority attention to identifying, in the regular course of their work of reviewing State reports, possibilities for technical assistance projects. The Commission on Human Rights, in its resolution 1990/58, had also called upon the treaty bodies to take action in that sense.

35. The meeting agreed that assistance to States parties in preparing reports at the national level was a high priority area for the United Nations Advisory Services and Technical Assistance Programme. Seminars and training courses at the national level were considered as the only cost-effective means to tailor the relevant assistance programmes to local circumstances and needs. It was for each treaty body in the process of consideration of State party reports to identify such needs. Reference was made in this connection to an earlier suggestion by the Committee on the Elimination of Discrimination against Women that resources should be sought to set up specific country programmes to enable an expert to be sent at the request of a State party to provide assistance to that State party in the preparation of its national reports. Additionally, participants reiterated that each Government should once again be encouraged to consider establishing a unit that would prepare all of the reports submitted by that State party to the treaty bodies.

36. It was further agreed that advisory services and technical assistance should also be directed at involving those who had a direct bearing on the implementation of human rights policies, such as members of the judiciary and lawyers, in seminars or colloquia to discuss the relevance of international human rights standards to their work. It was further noted that it would be desirable for the Centre for Human Rights to obtain more specialist expertise in the training field and that training courses in the field of human rights for officials of some of the major United Nations development agencies (the United Nations Development Programme, World Bank, etc.) should be envisaged. It was noted that the International Labour Organisation already undertook such training programmes on a regular basis for its own staff.

37. The meeting expressed regret that no training courses or workshops devoted primarily to the preparation and submission of reports had been held during the past two years by the Centre for Human Rights.

I. Sources of information available to the treaty bodies

38. Participants noted with appreciation that several non-governmental organizations had systematically provided background information to individual members of treaty bodies whenever State reports were considered and had undertaken other activities directly related to the enhancement of public awareness of international human rights instruments. The material provided by non-governmental organizations was considered valuable and had, consequently, contributed to the effective fulfilment by the treaty bodies of their responsibilities regarding the consideration of State reports. In this regard particular mention was made of the valuable contribution made by the International Women's Rights Action Watch to the work of the Committee on the Elimination of Discrimination against Women. It was generally felt that each committee should decide in the light of its own circumstances the extent and the form of the co-operation with non-governmental organizations. Non-governmental organizations, in particular at the national level, were further encouraged to devote appropriate attention to the work of the treaty-bodies under the reporting system. It was also noted that the Centre for Human Rights had initiated consultations with the Department of Public Information concerning the distribution through United Nations information centres of State reports, press releases and summary records concerning the consideration of such reports, and views adopted on individual communications. Participants regretted, however, that those consultations had so far proved unproductive and that non-governmental organizations and the public at large had not yet benefitted from a regular flow of information of that type. It was therefore once again emphasized that urgent efforts should be undertaken for such basic material to be disseminated as widely as possible through the United Nations information centres and by the secretariats of the relevant committees.

39. With regard to co-operation with specialized agencies, it was noted that on many occasions the various specialized agencies, particularly the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization had provided useful assistance to the various treaty bodies. The Committee on Economic, Social and Cultural Rights, in particular, had established an extensive set of procedures whereby specialized agencies had been invited to take part in the consideration of State reports and in discussions on particular topics. It was agreed that extensive co-operation with specialized agencies should continue to be encouraged through various means.

40. With reference to the activities undertaken by treaty bodies, it was suggested that each committee might wish to request the secretariat to make available to it, in addition to the annual reports of the other treaty bodies, copies of reports of relevant States parties submitted under other instruments. Any relevant documentation of the General Assembly, the Security Council and other United Nations organs should also be made available to the treaty bodies when deemed pertinent to their activities.

41. Reference was also made to a recommendation by the second meeting relating to the establishment of a committee resource room in which documentation of the relevant committees could be kept along with copies of constitutions, basic reports and legislation and other relevant and useful information. It was generally felt that despite a shortage of available space within the Centre for Human Rights, major efforts should be undertaken towards providing such a room, which could contribute very significantly to the work of the individual committee members. It was noted that materials for inclusion in such a resource room would probably be donated by various groups and agencies and that use could be made of interns to undertake the initial organization of the materials.

42. It was pointed out that each treaty body should have access to all the sources of information it deemed necessary to fulfil its functions effectively. It was, however, agreed that the type of information needed and the way to handle it would have to be decided by each committee in the light of its own requirements and circumstances.

J. Public information

43. With regard to the issue of public information, it was noted that the activities of the various treaty bodies should be publicized as widely as possible so that the affected individuals were made aware of their rights under the international human rights instruments and could take an appropriate role in the process of the preparation of State reports. It was underlined that the holding of press conferences at the end of committee sessions and the issuing of press releases had not always led to significant coverage by the media of the activities of the treaty bodies. It was agreed that it would be helpful if the annual report of committees could be synthesized from time to time and made available in more readable form for distribution to the general public. However, it was also generally agreed that to some extent public information on the activities of the committees, including views expressed in individual cases, should be specifically targeted to the potentially most interested groups, such as lawyers, judges and teachers. To that end, participants suggested the award of fellowships by the Centre for Human Rights specifically for the purpose of disseminating information regarding the activities of the treaty bodies.

44. Lastly, it was agreed that the most effective public information activities were those undertaken at the national and local levels and, in that connection, it was reiterated that United Nations information centres and non-governmental organizations should be more actively involved in alerting the public to the activities of the treaty bodies.

K. Long-term rationalization of the existing system of treaty bodies

45. With regard to the long-term rationalization of the existing system of treaty bodies, the meeting agreed that the relevant issues could profitably be raised in the overall context of the preparation of the proposed world conference on human rights. For that purpose consideration could be given to the appointment of an expert to prepare a study.

V. OTHER MATTERS

46. The participants took note with satisfaction of the revised text of the consolidated guidelines for the initial part of State party reports as approved by the various treaty bodies (appended to this report) and agreed that the guidelines should be disseminated to the States parties as soon as possible.

47. The participants reviewed the draft reporting manual that had been prepared by UNITAR in co-operation with the Centre for Human Rights. They considered that the manual would be extremely useful to the States parties in the preparation of their reports as well as in orienting newly elected members of the treaty bodies. They noted that the views expressed in the different contributions contained in the manual were those of their authors and did not necessarily represent those of the relevant committees or of any United Nations body. The participants agreed that the manual should be published in its present form as soon as possible and disseminated to States parties as widely as possible. They also expressed their warm appreciation of the work of the UNITAR Fellow in bringing the preparation of the manual to a successful conclusion.

48. The participants expressed strong support for the proposal addressed in General Assembly resolution 44/156 to convene a world conference on human rights. They stressed the importance of making thorough preparations for such a conference and urged that the treaty bodies should be associated with the conference and should be closely consulted, through their chairmen and where possible directly, in the course of its preparation.

VI. CONCLUSIONS AND RECOMMENDATIONS

49. The following conclusions and recommendations are respectfully submitted to the General Assembly for its consideration in accordance with its resolution 44/135. Some concern action that might be taken by the 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.

50. In view of the very large number of overdue reports owed to the treaty bodies as a whole, the General Assembly should continue to emphasize the importance of adequate and timely reporting by all States parties to the various treaties.

51. The treaty bodies themselves should continue to use all appropriate means to promote the submission of overdue reports. Where possible, efforts should be made to develop a dialogue with the representatives in New York, Geneva or Vienna of the States parties concerned with a view to emphasizing the importance of reporting and to exploring possible means of assisting them. In cases where a number of overdue reports are involved, the Under-Secretary-General for Human Rights should raise the matter in the course of his regular consultations with the representatives of States parties.

52. While noting with satisfaction the steadily growing number of States parties to the various instruments, the meeting stressed that there was no cause for complacency in that regard. The goal of achieving the universal applicability of the principal instruments remained far from being achieved. States which have not yet ratified those instruments should be urged to reconsider their position and to take appropriate measures to seek to remove any remaining obstacles to ratification or accession.

53. The financial situation of the treaty bodies warrants continuing attention by the General Assembly and the States parties. In particular, the meeting urged that action be taken by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to establish a "contingency reserve fund" as proposed by the Commission on Human Rights in paragraph 10 of its resolution 1990/25. In any event, the General Assembly should as a matter of the highest priority take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget or to make such other financial arrangements as may be necessary to enable each of the committees to operate effectively.

54. Consideration should also be given to amending the relevant provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to provide full funding for the relevant treaty bodies from the regular budget of the United Nations.

55. Adequate secretariat servicing should be provided to each of the treaty bodies to enable them to function effectively. At present, the combination of diminishing resources and rapidly expanding demands on the available resources had left most of the treaty bodies without the appropriate level of secretariat servicing. The Secretary-General and the General Assembly should

do their utmost to ensure that more resources are provided specifically for this purpose.

56. As recommended in the report of the second meeting (A/44/98, annex, para. 89), States parties, in drafting their reports, may refer, annex or incorporate, whenever appropriate, information contained in reports submitted to other treaty bodies, rather than repeat the same information.

57. In general terms, the effective development of the human rights treaty system as a whole would be significantly enhanced by the promotion of greater interaction among the treaty bodies. Each of the committees should thus seek to keep well informed of developments within the others. For that purpose consideration should be given to the appointment of several members, each of whom should be responsible for following as closely as possible the developments in one of the other treaty bodies and reporting thereon to his or her committee. Other innovative arrangements should also be explored, such as the holding of joint sessions of working groups of two or more committees to explore a specific issue. Advantage should also be taken of any opportunities to provide a briefing to one committee on relevant current developments by a member of another committee.

58. The General Assembly should take appropriate action to institutionalize the meeting of persons chairing the human rights treaty bodies and to ensure that it is held at least once every two years.

59. In preparing “general comments”, “general recommendations” or “suggestions” on topics that are of potentially major relevance to the provisions of an instrument that is supervised by another body, the committee concerned should consider undertaking some appropriate form of consultation before the finalization of the text in question.

60. The process of establishing a computerized data base to improve the efficiency and effectiveness of the functioning of the treaty bodies should be accorded a high priority by the Secretary-General and every effort should be made to implement fully the recommendations of the relevant task force on this issue (see E/CN.4/1990/39). The Committee on the Elimination of Discrimination against Women and its secretariat should be kept fully informed of developments within the Centre for Human Rights in this regard.

61. As far as possible and appropriate, the supervision of new human rights treaty obligations should be entrusted to one or other of the existing treaty bodies. Similarly, careful consideration should always be given to the drafting of protocols to existing instruments in preference to entirely new treaties, whenever appropriate. When such protocols are under preparation the relevant treaty body should be consulted prior to their final adoption.

62. When new treaties are drafted, the periodicity of reporting should be left open provided that a report is required at least once every five years. Similarly, new treaties should not stipulate a maximum duration for the sessions of the relevant supervisory body. They should always provide for the financing of the supervisory mechanisms from the regular budget.

63. Whenever new human rights instruments are being drafted, adequate “travaux préparatoires” should be made and a thorough technical review be undertaken prior to the final adoption of the text.

64. Prior to the first session of any new treaty body, every effort should be made to provide a detailed technical background briefing to the members of the new committee. The briefing should deal with matters such as the relationship of the different treaty bodies to one another, the relationship of the treaty bodies to the other human rights organs, the nature of the work of any other United Nations bodies or agencies in so far as it is of direct relevance to the work of the new

committee, and any other pertinent matters. Newly elected members of the existing treaty bodies should also be provided with such briefings if they so request.

65. The consolidated guidelines for the initial part of State party reports under the various treaties, as drawn up in consultation with all of the treaty bodies, should be added to the relevant guidelines as soon as possible.

66. The manual on reporting drawn up by UNITAR in co-operation with the Centre for Human Rights, approved by the meeting on the advice of the Editorial Board, should be published as soon as possible and be widely disseminated.

67. The proposed world conference on human rights could, if adequately prepared, make a major contribution to furthering the overall objectives of the United Nations in the human rights field. The work of the treaty bodies should be fully reflected in the agenda, the preparation of which should be done in consultation with those bodies as far as possible. A detailed evaluation of the work of each of the treaty bodies should be prepared by individual experts as part of the background documentation for the Conference.

68. To assist it in the fulfilment of its responsibilities, each of the treaty bodies should have access to all of the sources of information that it feels it needs in order to be effective. In this regard, information provided by non-governmental organizations can be of major importance. The treaty bodies should also take full advantage of the expertise and experience of the specialized agencies and other United Nations bodies whenever appropriate.

69. Particular importance should be attached to the dissemination at the national level of the report of the relevant State party and details of its examination by the committee, especially to those sectors which have direct responsibility for the implementation of human rights, such as the judiciary, the legal profession, appropriate ministries and national human rights bodies. For that reason, each United Nations information office should, on a routine basis, make available all reports submitted to the treaty bodies by the State in whose territory it is located, along with the summary records relating to the examination of the reports. The Secretary-General should be requested to report on the implementation of this recommendation in due course.

70. The secretariat of each of the treaty bodies should seek to enhance the means by which copies of the relevant documentation can be made available to non-governmental organizations, particularly those active at the national level.

71. As already requested by the General Assembly on several occasions, the relevant secretariats should ensure that each member of each of the treaty bodies receives the annual report of each of the other treaty bodies in a regular and timely fashion.

72. The Secretary-General should continue to publicize the activities of the treaty bodies as effectively as possible and should consider allocating a specific number of fellowships to be available especially to academics, journalists or others proposing to write on the work of any of the treaty bodies.

73. In the context of technical assistance and advisory services programmes organized by the United Nations, a series of seminars or workshops should be organized at the national level for the purpose of training those involved in the preparation of State party reports. Such workshops, if carefully tailored to the needs of the individual State, could reach many more people in each State than regional seminars and be far more cost-effective.

74. Regional and sub-regional seminars and training programmes should be directed particularly at those individuals, such as judges, lawyers and administrators who have an actual or

potential substantive involvement in the implementation of the obligations assumed by their States. The Centre for Human Rights should seek to develop professional training expertise to assist in the management of such programmes.

75. Training programmes should also be arranged, on a regular basis, for the officials of United Nations bodies and agencies involved in technical co-operation programmes. The purpose of such programmes would be to familiarize the relevant officials with the standards contained in the principal human rights treaties and to develop a better understanding of the means by which those standards can be reflected in the day-to-day activities of the agencies.

APPENDIX

Consolidated guidelines for the initial part of the reports of States parties

Land and people

1. This section should contain information about the main ethnic and demographic characteristics of the country and its population, as well as such socio-economic and cultural indicators as per capita income, gross national product, rate of inflation, external debt, rate of unemployment, literacy rate and religion. It should also include information on the population by mother tongue, life expectancy, infant mortality, maternal mortality, fertility rate, percentage of population under 15 and over 65 years of age, percentage of population in rural areas and in urban areas and percentage of households headed by women. As far as possible, States should make efforts to provide all data disaggregated by sex.

2. This section should describe briefly the political history and framework, the type of government and the organization of the executive, legislative and judicial organs.

General legal framework within which human rights are protected

3. This section should contain information on:

- (a) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights;
- (b) What remedies are available to an individual who claims that any of his rights have been violated; and what systems of compensation and rehabilitation exist for victims;
- (c) Whether any of the rights referred to in the various human rights instruments are protected either in the constitution or by a separate bill of rights and, if so, what provisions are made in the constitution or bill of rights for derogations and in what circumstances;
- (d) How human rights instruments are made part of the national legal system;
- (e) Whether the provisions of the various human rights instruments can be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned;

- (f) Whether there exist any institutions or national machinery with responsibility for overseeing the implementation of human rights.

Information and publicity

4. This section should indicate whether any special efforts have been made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments. The topics to be addressed should include the manner and extent to which the texts of the various human rights instruments have been disseminated, whether such texts have been translated into the local language or languages, what government agencies have responsibility for preparing reports and whether they normally receive information or other inputs from external sources, and whether the contents of the reports are the subject of public debate.