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XIII. OVERVIEW OF THE METHODS OF WORK OF THE COMMITTEE

468. An overview of the methods of work of the Committee was included in its report to the fifty-first session of the General Assembly.ⁱ It highlighted changes introduced in recent years and was designed to improve the Committee's procedures.

469. At its sixtieth session, the Committee decided to review its working methods at its sixty-first session and asked Mr. Valencia Rodríguez, convenor of an open-ended working group on this issue, to prepare and submit a working paper for consideration. The working paper submitted by Mr. Valencia Rodríguez was discussed and revised further by the Committee at its sixty-second and sixty-third sessions and adopted at the sixty-third session, with the exception of one paragraph which remains pending. The text of the paper as adopted was included in an annex to the Committee's report to the fifty-eighth session of the General Assembly.ⁱⁱ

470. At its sixty-fourth session, the Committee continued to discuss its working methods and, in particular, the question of follow-up to the recommendations addressed to States parties after consideration of their initial or periodic reports. The Committee decided to add a new paragraph to rule 65 of its rules of procedure concerning the request for additional information from States parties. The text of rule 65 as amended can be found in annex III to the Committee's report to the fifty-ninth session of the General Assembly.ⁱⁱⁱ

471. At its 1670th meeting (sixty-fifth session), the Committee decided, in accordance with paragraph 2 of rule 65 of its rules of procedure, to appoint the following members as coordinator and alternate coordinator to further the implementation of paragraph 1 of rule 65 of its rules of procedure concerning requests for additional information from States parties.

Coordinator: Mr. Morten Kjaerum (2004-2006)
Alternate: Mr. Nourredine Amir (2004-2006)

472. The terms of reference for the work of the coordinator are reproduced in annex IV (see paragraph 447 for a reference to the decision of the Committee to establish a follow-up procedure for its Opinions adopted under article 14 of the Convention).

473. At its 1659th meeting (sixty-fifth session), the Committee established a working group on early warning and urgent action procedures. This working group includes the following five members of the Committee:

Coordinator: Ms. Patricia Nozipho January-Bardill (2004-2006)
Members: Mr. Alexei S. Avtonomov (2004-2006)

Mr. Jose Francisco Cali Tzay (2004-2006)
Mr. Régis de Gouttes (2004-2006)
Mr. Agha Shahi (2004-2006)

474. The working group met for the first time during the sixty-fifth session of the Committee to discuss a number of cases brought to its attention. The working group also met during the sixty-sixth and sixty-seventh sessions.

XIV. DISCUSSION ON REFORM OF TREATY BODY SYSTEM

475. Concerning the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, the Committee had before it the report of the seventeenth meeting of persons chairing the human rights treaty bodies. At its sixty-seventh session, the Committee discussed in particular the point concerning future consultations on proposals for reform of the United Nations human rights framework, including those relating to a unified standing treaty body. After an initial discussion on 16 August 2005 (see CERD/C/SR.1723), the Committee had a dialogue on this issue on 18 August 2005 with María-Francisca Ize-Charrin, Officer-in-Charge of the Office of the High Commissioner for Human Rights (see CERD/C/SR.1726).

476. Members of the Committee highlighted various questions that will need clarifying in the context of the discussion regarding a unified standing treaty body. They stressed the need to take into account the opinion of all stakeholders, including not only States parties and treaty body members, but also national human rights institutions, non-governmental organizations and victims of human rights violations. They also asked whether a single treaty body would necessarily result in a single report. The risk of marginalization of some instruments and some human rights issues, including the Convention and the question of racial discrimination, was highlighted by several members who also underscored that racial discrimination is a major human rights issue in the current world context which should continue to be given all necessary attention.

477. Some members also asked whether an amending protocol would be necessary and, if this was the case, they expressed the fear that the implementation and entry into force of such a protocol could take several years. Some members said that there was also a risk that during the transition period, the whole system might come to a standstill. Questions were also asked concerning the membership of a unified standing body, the selection process and the length of mandate of prospective members. Some members wondered whether the body would be permanent and how it would be organized, in particular whether it would be composed of several chambers and on what criteria these chambers would be established.

478. The danger of losing the *acquis* of the existing human rights protection system was stressed by several members who also stated that a unified standing treaty body would not resolve the current difficulties of the system such as non-reporting and lack of political will of States vis-à-vis the implementation of treaty body recommendations. Some members made various proposals to improve the current system, including:

- (a) To persevere with current steps towards improving working methods;

- (b) To enhance the implementation of recommendations made by the chairpersons and inter-committee meetings;
- (c) The creation of different chambers within treaty bodies that would address the issue of excessive delays in the examination of reports;
- (d) To strengthen the Petitions Team in the Office of the High Commissioner for Human Rights;
- (e) To envisage the creation of a single body to deal with individual communications;
- (f) To strengthen follow-up to treaty body recommendations;
- (g) To clarify the relationship between treaty bodies and a future Human Rights Council in order to avoid duplication;
- (h) To ensure that a peer review system which may be put in place would use treaty body recommendations as a starting point and provide the required political support in order to ensure their implementation.

479. In her dialogue with the Committee, Ms. Ize-Charrin stressed that no decision had yet been taken and that extensive consultations were necessary in order to study the possible creation of a unified standing treaty body. She emphasized that the opinion of treaty body members and of all other stakeholders would be sought in order to render this process as informed and participatory as possible and, ultimately, to move towards decisions.

480. Ms. Ize-Charrin recalled that the Office of the High Commissioner had been actively engaged in strengthening the implementation of the recommendations of treaty bodies through various projects. She agreed with members that follow-up to treaty body recommendations must be enhanced and that the implementation of the recommendations of the chairpersons and inter-committee meetings should be strengthened.

481. Regarding the need to clarify the relationship between treaty bodies and a future Human Rights Council in order to avoid duplication and concerning the legal arrangements which the creation of a unified standing body would require, Ms. Ize-Charrin explained that it was too early to provide specific replies to these questions, which would be progressively clarified. She informed the Committee that the Office of the High Commissioner would shortly start drafting a concept paper that would study all these questions, and that treaty body members would be invited to provide comments during the process.

482. In her concluding remarks, Ms. Ize-Charrin stressed the full commitment of the High Commissioner to ensuring that any reform of the treaty body system will be one that enhances the protection of human rights for all groups and individuals at the national level, in particular in areas as important as that of discrimination, including racial discrimination, which the High Commissioner has identified in her Plan of Action as one of the main human rights challenges.

ⁱ *Official Reports of the General Assembly, Fifty-first Session, Supplement No. 18 (A/51/18)*, paras. 587-627.

ⁱⁱ *Ibid.*, *Fifty-eighth Session, Supplement No. 18 (A/58/18)*, annex IV.

ⁱⁱⁱ *Ibid.*, *Fifty-ninth Session, Supplement No. 18 (A/59/18)*, annex III.

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Annex IV

OVERVIEW OF THE METHODS OF WORK OF THE COMMITTEE

I. TERMS OF REFERENCE FOR THE WORK OF THE COORDINATOR ON FOLLOW-UP TO THE OBSERVATIONS AND RECOMMENDATIONS OF THE COMMITTEE UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION

Pursuant to article 9 (1) (b) of the International Convention on the Elimination of All Forms of Racial Discrimination and rule 65, paragraph 1, of the rules of procedure of the Committee (see HRI/GEN/3/Rev.2), the Committee on the Elimination of Racial Discrimination may make a request for an additional report or for further information from a State party. It may indicate both the manner and time within which such information should be received. At its sixty-fourth session, the Committee decided to amend its rules of procedure relevant to follow-up activities in adopting a second paragraph to rule 65.^a The paragraph provides for the appointment of a coordinator in order to further the implementation of rule 65, paragraph 1. At its sixty-fifth session, the Committee appointed a coordinator and an alternate.^b

The mandate of the coordinator took effect as from the sixty-fourth session of the Committee.

Terms of reference

1. The coordinator is mandated to monitor the follow-up by States parties to the observations and recommendations of the Committee, cooperating with the respective country rapporteur.
2. The Committee may ask the State party to submit information at a specified time before the next reporting session of the State concerned. The coordinator will be responsible for monitoring respect by the State party for deadlines set by the Committee. The coordinator will be responsible for sending reminders (within a month of expiry of the deadline) to a State party when it has not supplied the additional information on time.

3. The coordinator will analyse and assess the information received from the State party pursuant to a request by the Committee for further information. This task should be shared with the country rapporteur. If the coordinator finds that further information is needed, the coordinator will take the matter up with the State party.

4. The coordinator may make recommendations for appropriate action to the Committee when information as mentioned in paragraph 2 is received and in the case of non-receipt of such information. The coordinator may, inter alia, recommend that the Committee take note of the information, request further information in the next periodic report, or remind the State party of recommendations included in the last concluding observations of the Committee and its obligations as party to the Convention. The meeting is held in private.

5. The coordinator shall submit a succinct progress report to the Committee at each session. The Committee should set aside sufficient time for discussion of the coordinator's findings and the adoption of formal recommendations, if any, including, where appropriate, reconsideration of the date on which the next periodic report of the State party is due. The meeting is held in private.

6. The coordinator's findings will be included in the chapter of the annual report on follow-up activities. If no information is received in spite of reminders, this will be recorded in the Committee's subsequent report to the General Assembly.

II. FOLLOW-UP ON OPINIONS ADOPTED BY THE COMMITTEE UNDER ARTICLE 14, PARAGRAPH 7, OF THE CONVENTION

At its 1721st meeting (sixty-seventh session), on 15 August 2005, the Committee added the following two paragraphs to rule 95 of its rules of procedure:

6. The Committee may designate one or several Special Rapporteurs for follow-up on Opinions adopted by the Committee under article 14, paragraph 7, of the Convention, for the purpose of ascertaining the measures taken by States parties in the light of the Committee's suggestions and recommendations.

7. The Special Rapporteur(s) may establish such contacts and take such action as is appropriate for the proper discharge of the follow-up mandate. The Special Rapporteur(s) will make such recommendations for further action by the Committee as may be necessary; he/she (they) will report to the Committee on follow-up activities as required, and the Committee shall include information on follow-up activities in its annual report.