

**Pilot Workshop for Dialogue on the Concluding Observations of the Human Rights  
Committee: 18/10/2002**

**HRI/TB/FU/1 (Concluding Observations/Comments)**

Convention Abbreviation: CCPR

**UNEDITED VERSION**

OFFICE OF THE UNITED NATIONS HIGH  
COMMISSIONER FOR HUMAN RIGHTS

PILOT WORKSHOP FOR DIALOGUE ON THE CONCLUDING  
OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE

(organized by the Office of the High Commissioner for Human Rights  
and the Government of Ecuador)

Quito, Ecuador,  
27, 28 and 29 August 2002

Report

The Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the Government of Ecuador, organized the first Pilot Workshop for Dialogue on the Concluding Observations of the Human Rights Committee, which was held from 27 to 29 August 2002. The Workshop took place at the Ministry of Foreign Affairs of Ecuador, Avenida Diez de Agosto y Carrión, Quito.

The Workshop was opened by Ambassador Jaime Marchán, Deputy Minister for Foreign Affairs of Ecuador and member of the Committee on Economic, Social and Cultural Rights; other participants included Ms. Aase Smedler, UNDP Resident Representative/Resident Coordinator, Mr. Roberto Garretón, OHCHR Regional Adviser for Latin America and the Caribbean and Ms. María Francisca Ize-Charrin, Chief, Support Services Branch, OHCHR, Geneva.

The Workshop was held in two parts - one that was more theoretical, in which several papers were delivered, followed by work in groups and ending with each group presenting its conclusions to the plenary.

The statements on the first day (27 August 2002) were delivered by Mr. Rafael Rivas-Posada, member of the Human Rights Committee, on the process for follow-up of the Human Rights Committee's concluding observations and decisions on individual communications, and Mr. Roberto Garretón, OHCHR Regional Adviser for Latin America and the Caribbean, on action to combat impunity in Latin America: obstacles to the implementation of the recommendations of the Human Rights Committee.

On the first day, each of the four groups chose to work on two of the following themes: Theme I: Situation of women: (a) lack of equal rights; (b) domestic violence; Theme II: Administration of justice (delays, interference, instability); Theme III: Violations of human rights and impunity; and Theme IV: Situation in the prisons.

Each group had a dialogue coordinator (a member of the Committee or the OHCHR secretariat) and a Rapporteur elected from among the participants. Participants considered whether or not the various recommendations adopted by the Human Rights Committee concerning the proposed themes had been implemented, and if not, why not. An in-depth discussion was held of potential obstacles to implementation of the recommendations. A comparison was made of why the recommendations had been partially or totally implemented in some States parties and not in others. Discussion included assistance which OHCHR might provide to States parties in order to help them implement the Committee's recommendations at the national level. Each group's Rapporteur made a presentation to the plenary and the experts discussed the different options that were presented.

The morning also included a dialogue with the representatives of United Nations agencies.

The second day of the Workshop began with a recapitulation of the work completed the previous day.

The methodology used on the first day was followed, with papers delivered by Mr. Hipólito Solari-Yrigoyen, member of the Human Rights Committee, on "Attacks on freedom of the press and freedom of association: experience of the Human Rights Committee in the light of its recommendations", and by Mr. Julio Prado-Vallejo, former member of the Human Rights Committee and current member of the Inter-American Commission on Human Rights, on "The Human Rights Committee and the Inter-American Commission on Human Rights: a comparison".

On the second day participants met in two groups and discussed the theme: Institutional arrangements for follow-up of the recommendations of the Human Rights Committee. The same methodology was used as for the first exercise. Participants studied the existing mechanisms in the various participating State parties to follow up the Human Rights Committee's recommendations, to determine how well they functioned and where their shortcomings lay. Discussion included the mechanisms' effectiveness, obstacles preventing them from functioning properly and possibilities for improving them. The groups discussed the potential role of the United Nations, in particular OHCHR, the regional organizations and the national human rights institutions in the functioning of the mechanisms established.

The morning of the second day also included a dialogue among the participants on the role of civil society and national human rights institutions in fulfilling the Committee's recommendations.

On Thursday 29 August proceedings began with a recapitulation of the work accomplished the previous day and participants heard a paper on the "Establishment of the Treaty Bodies Recommendations Unit of the OHCHR Support Services Branch: functions and objectives". The experts held a dialogue on the Committee's recommendations, and the participants made suggestions to the Committee.

In the afternoon the report and suggestions of the Pilot Workshop were adopted, and the Workshop was declared closed.

## CONCLUSIONS AND SUGGESTIONS OF THE PILOT WORKSHOP FOR DIALOGUE ON THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE

Quito, 27-29 August 2002

Representatives of the Governments of Argentina, Costa Rica, Ecuador, Guatemala, Mexico, Peru, Dominican Republic and Venezuela, representatives of national human rights institutions, a representative of the Inter-American Commission on Human Rights, UNDP, UNIFEM, UNFPA, UNHCR, UNESCO and non-governmental organizations, participating in the Pilot Workshop for Dialogue on the Concluding Observations of the Human Rights Committee (the Committee), held in Quito from 27 to 29 August 2002:

Express their gratitude to the Government of Ecuador for hosting the Workshop; to the Office of the United Nations High Commissioner for Human Rights for its support for human rights promotion and protection activities in the region; to UNDP, UNIFEM, UNFPA, UNHCR and UNESCO; to the experts who participated in the workshop; to the representatives of national institutions from the region, and to the representative of the various non-governmental organizations for their valuable contributions to the Workshop;

Recognize that the fulfilment of the obligations deriving from the International Covenant on Civil and Political Rights (the Covenant) is essential to the promotion and protection of human rights;

Also recognize the importance for the protection of human rights, of the First Optional Protocol to the Covenant, which grants the Committee the competence to receive and consider communications from individuals in State parties who claim to be victims of violations of the rights set forth in the Covenant;

Emphasize the importance of follow-up of the recommendations made by the Committee in the concluding observations it issues after considering initial and periodic reports, including legislative and judicial decisions and decisions concerning the promotion and adoption of public policies, and the fundamental obligation of each State party to ensure that the recommendations are fulfilled;

Recall that the Committee's consideration of initial and periodic reports of State parties and its drafting of concluding observations have proved to be a useful way of monitoring the observance of

human rights, and in particular the rights set forth in the Covenant;

Recognize the efforts of those States parties that regularly submit initial and periodic reports to the Committee;

Note the important role played by the executive in initiating and encouraging the process of preparation of reports and follow-up of the Committee's recommendations, in which all branches of government, institutions and services should participate; Consider that the establishment of effective national institutional mechanisms for follow-up of the recommendations continues to present a challenge to States parties;

Affirm that national institutional mechanisms should be strengthened with a view to ensuring more effective fulfilment of the Committee's recommendations;

Recognize as a positive step the recent establishment of a follow-up mechanism within the Committee, aimed at strengthening the monitoring of the recommendations' implementation and, especially, the priorities identified in the Committee's concluding observations;

Observe that, although efforts have been made at the national level to follow up the Committee's recommendations, they are at times difficult to implement for various reasons, including the general nature of the recommendations issued by the Committee and obstacles of an institutional, economic, political and cultural nature;

Reaffirm the importance of exchanging experience relating to practices followed in other States parties in implementation of the Committee's recommendations;

Also reaffirm the importance of strengthening internal human rights coordination among the various branches of government, the national human rights instruments and civil society, with each maintaining its independent and autonomous role, in the process of preparing initial and periodic reports for submission to the Committee and in following up the Committee's recommendations;

On the basis of the foregoing, the participants in the Pilot Workshop make the following suggestions:  
Suggestions for States parties:

Adopt measures aimed at raising awareness of the Committee's work among the population in general and widely disseminating the Committee's concluding observations concerning each country;

Draft their reports in conformity with the Committee's guidelines for the submission of reports, and ensure that the reports are concise and concrete;

Mechanisms for consultation should be established, with broad participation by all sectors of society, including the national human rights institutions, in the preparation of reports and follow-up of the Committee's recommendations and decisions;

Entities for coordinating the preparation of initial and periodic reports for the Committee should be

established or strengthened in each State party;

Ensure that the delegations presenting the reports are of the highest possible level and possess the knowledge required to reply to the items under consideration;

An appropriate inter-agency mechanism should be established in each State party to coordinate follow-up of the relevant Committee recommendations, and this mechanism should be institutionalized with a view to guaranteeing its continuity;

A unit should be designated to facilitate regular contacts with the Treaty Bodies Recommendations Unit of the OHCHR Support Services Branch;

The preparation of reports should be considered an opportunity to evaluate the situation and improve the enjoyment of human rights in the society in question;

Respect the priorities set in the concluding observations and provide the Committee with information;

Consider adopting measures aimed at ensuring the fulfilment of the Committee's views and concluding observations;

Study the possibility of implementing training programmes in national technical bodies to facilitate follow-up of the Committee's recommendations;

The States participating in the Pilot Workshop should undertake to provide information in their next periodic reports to the Committee on the measures they have taken to give effect to the suggestions made by the Committee and should evaluate the results obtained.

Suggestions for the Human Rights Committee:

Consider formulating specific and concrete recommendations in its concluding observations, so as to facilitate their follow-up;

Formulate recommendations in order of priority.

Suggestions for the Office of the High Commissioner for Human Rights:

Provide the Treaty Bodies Recommendations Unit of the OHCHR Support Services Branch with the material and human resources needed to achieve its objective of supporting States parties in implementing the treaty bodies' recommendations;

Provide technical assistance to aid States parties in fulfilling the Committee's recommendations;

Take appropriate measures to disseminate the Committee's concluding observations widely through its local offices and regional representatives;

Prepare and circulate a compilation of the Committee's concluding observations, and another

compilation, to the extent possible, of "good practice" in fulfilling the recommendations of the Committee and other treaty bodies, to be used as models for other States parties;

Support the national human rights institutions in their activities relating to the Committee's concluding observations;

Hold more workshops of this type to provide other States parties with an opportunity to exchange experience in fulfilling the Committee's concluding observations, and extend such workshops to the other treaty bodies.

Suggestions for international bodies:

The bodies of the United Nations system should take the Committee's recommendations into account in their activities;

The Human Rights Committee and the Inter-American Commission on Human Rights should hold regular meetings and their secretariats should increase contacts with a view to improving the coordination of their work;

The Human Rights Committee and the Inter-American Commission on Human Rights should cooperate in following up the recommendations adopted by both bodies.

Suggestions for national human rights institutions:

Play a more active role in providing the Committee with information and in monitoring States parties' implementation of the Committee's recommendations;

Cooperate in the compilation and dissemination of recommendations to States parties.

Suggestions for non-governmental organizations:

Cooperate in awareness-raising activities in civil society and provide information that will enable the Committee to analyse the situation in the States parties, and monitor the implementation of the Committee's recommendations;

Participate actively in the consultation mechanisms established by States for the report preparation and follow-up process;

Endeavour, as far as possible, to submit a unified, concise and concrete report to the Committee.

General suggestions:

All participants should cooperate in disseminating the conclusions and suggestions of this Pilot Workshop;

The Office of the High Commissioner for Human Rights should circulate these conclusions and suggestions as reference documents in the next workshops to be held on follow-up of treaty body recommendations.

Adopted at Quito, 29 August 2002