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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

TREATY BODIES*

Note by the Office of the United Nations High Commissioner for Human Rights

1. In its resolution 57/300, adopted at its fifty-seventh session, the General Assembly, having considered the report of the Secretary-General entitled “Strengthening of the United Nations: an agenda for further change” (A/57/387), encouraged States parties to the human rights treaties and the respective treaty bodies to review the reporting procedures of the treaty bodies with a view to developing a more coordinated approach and to streamlining the reporting requirements under these treaties. The resolution also requested the United Nations High Commissioner for Human Rights to support this exercise, including through the submission of recommendations, as appropriate. This note provides information to the Commission on Human Rights on efforts to respond to the Assembly’s requests.

2. In chapter II, section B, of his report on strengthening of human rights, the Secretary-General emphasized the importance of continued efforts to modernize the human rights treaty system. Against the background of growing delayed reporting or non-reporting by States parties to human rights treaty bodies, as well as the difficult demands reporting to six committees imposes on States parties, the Secretary-General proposed (a) that the Committees craft a more coordinated approach to their activities; and (b) that they standardize their varied

* In accordance with General Assembly resolution 53/208B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

reporting requirements, and that each State be allowed to produce a single report summarizing its adherence to the full range of international human rights treaties to which it is a party (para. 51). The Secretary-General also requested the High Commissioner for Human Rights to consult with treaty bodies on new streamlined reporting procedures and submit his recommendations to him by September 2003.

3. A number of steps have been taken or facilitated by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to the Secretary-General's request. On 1 November 2002, the High Commissioner wrote to the Chairpersons of the six human rights treaty bodies, drawing attention to the Secretary-General's recommendations. That letter also highlighted the report on the management review of OHCHR which had been conducted by the Office of Internal Oversight Services during 2002. This report recommended, inter alia, that the High Commissioner consistently pursue consultations with the treaty bodies on the modalities for consolidating reports under the various treaty bodies into a single national report with a view to achieving a steady progress towards this goal (A/57/488, para. 63). The High Commissioner requested the treaty bodies to give priority consideration to the recommendations of the Secretary-General and the Office of Internal Oversight Services, in particular with respect to the modalities for consolidating reporting under various treaty obligations and to present any views that they might have to him by the end of May 2003.

4. As at 20 February 2003, four treaty bodies had reacted to the Secretary-General's proposals. During its seventy-sixth session, the Human Rights Committee, a treaty body established under the International Covenant on Civil and Political Rights, set up a small working group to consider possible options and solutions which would report to the Committee's plenary during its seventy-seventh session in March 2003. The Committee requested the Secretariat to prepare a succinct options paper on the Secretary-General's proposals.

5. During the twenty-ninth session of the Committee on Economic, Social and Cultural Rights, a treaty body established to monitor implementation of the International Covenant on Economic, Social and Cultural Rights, held in November 2002, the Chairperson of that Committee provided the preliminary views of the Committee on the Secretary-General's proposals in a letter to the High Commissioner. These indicated that some members were concerned that by summarizing implementation of the full range of legal obligations in the various human rights treaties, States parties might be able to avoid in-depth reporting on the implementation of those obligations. Concerns were also raised that a single report would reduce the current prominence States parties give to economic, social and cultural rights. The Chairperson suggested that the High Commissioner convene a workshop to discuss the Secretary-General's proposals, as well as a second Inter-Committee meeting.

6. In December 2002, the Chairperson of the Committee on the Rights of the Child, a treaty body established under the Convention on the Rights of the Child, circulated an informal discussion paper entitled "Human rights treaties: one consolidated report", which he presented to the Committee at its thirty-second session. The Committee also held an informal meeting with States parties to the Convention on 29 January 2003, during which several States provided views on the Secretary-General's proposals.

7. On 24 January 2003, during the twenty-eighth session of the Committee on the Elimination of Discrimination against Women, OHCHR provided to the Committee a briefing on responses of other treaty bodies to the Secretary-General's proposals. The Committee is currently formulating a response to the High Commissioner's letter.
8. A factual background paper concerning reporting to human rights treaty bodies has been prepared by OHCHR. The paper will be submitted to the Chairpersons of the six human rights treaty bodies for comment, circulated to States Members of the United Nations under cover of a note verbale, and made available on the OHCHR web site. The Secretariat is preparing a study on congruent obligations under human rights treaties, and developing draft proposed common reporting guidelines for the six human rights treaty bodies. The possibility of conducting a pilot study to determine the feasibility of a single report is also being considered.
9. The views of non-governmental organizations (NGOs) on the Secretary-General's proposals are being canvassed, and informal meetings between the secretariat and NGOs to discuss those proposals have been convened on a regular basis.
10. A workshop on reporting to human rights treaty bodies, with the participation of representatives of the six treaty bodies, States parties to treaties, the United Nations specialized agencies, funds and programmes, NGOs, and national human rights institutions will be held from 5 to 7 May 2003. A second Inter-Committee meeting to discuss the outcome of the workshop will be convened from 18 to 20 June 2003. The report of the second Inter-Committee meeting will be submitted to the fifteenth meeting of human rights chairpersons, which should provide recommendations to treaty bodies on streamlining and towards a more coordinated approach. The report of this meeting will be submitted to the General Assembly at its fifty-eighth session, while the Secretary-General has been requested by the General Assembly to provide to it at that session a progress report on the implementation of the reform measures outlined in its resolution 57/300.
