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of human rights treaty bodies  
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**REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS OF  
THE SEVENTH AND EIGHTH INTER-COMMITTEE MEETINGS AND THE  
TWENTIETH MEETING OF CHAIRPERSONS**

**Note by the Secretariat**

The present report contains information on the steps taken by the human rights treaty bodies and the Secretariat to implement the recommendations adopted at the seventh inter-committee meeting, held from 23 to 25 June 2008, the twentieth meeting of chairpersons of human rights treaty bodies, held on 26 and 27 June 2008, and the eighth inter-committee meeting, held from 1 to 3 December 2008.

## I. INTRODUCTION

1. The present report provides information on the implementation of the substantive recommendations of the seventh inter-committee meeting (ICM) and the twentieth meeting of chairpersons (CM), held from 23 to 25 June 2008, and on 26 and 27 June 2008, respectively, as well as information on the specific recommendations of the eighth ICM convened from 1 to 3 December 2008 pursuant to a recommendation of the seventh ICM. Annex I contains a briefing note on the history and the status of the ICM and CM. As requested by the eighth ICM, a list of non-reporting States will be provided to participants, in order to identify trends and patterns of non-reporting.
2. The report also includes information on other developments in the human rights treaty body system and is complemented by the Report on the Current Working Methods of the Human Rights Treaty Bodies (HRI/MC/2009/4), containing information on cooperation with special procedures, modalities of participation of non-governmental organizations and national human rights institutions in the work of the treaty bodies, liaison with United Nations specialized agencies, funds and programmes, and follow-up to concluding observations. It is also complemented by the report on reservations to human rights treaties (HRI/MC/2009/5).
3. Major developments during the reporting period include the first session of the Committee on the Rights of Persons with Disabilities (CRPD), held from 23 to 27 February 2009, during which the Committee began discussions on its rules of procedure and methods of work. It also met with States parties to the Convention, United Nations entities and representatives of civil society and non-governmental organizations.
4. On 10 December 2008, the General Assembly unanimously adopted an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (A/RES/63/117). The Protocol invests the Committee with the competence to receive and consider communications submitted by or on behalf of individuals or groups of individuals under the jurisdiction of a State party to the Protocol claiming to be victims of a violation of any of the rights set forth in Parts II and III of the Covenant by that State party. The Protocol also invests the Committee with the competence to receive and consider inter-state communications and conduct inquiries where it receives information indicating grave or systematic violations by a State party of any of the rights in the Covenant. In the case of both procedures, the Committee's competence is dependent on the State party concerned declaring that it recognizes the Committee's competence in that regard. In addition, the Protocol empowers the Committee, with the consent of the State party concerned, to bring views or recommendations which indicate a need for technical advice or assistance to the attention of the United Nations entities. The Protocol provides for the establishment of a trust fund to support the provision of expert and technical assistance to States parties, with the consent of the State party concerned. The Protocol will be opened for signature at a special signing ceremony in 2009.
5. The Durban Review Conference was held from 20 to 24 April 2009 in Geneva. It evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which took place in Durban, South Africa in 2001. The Review Process also served as a catalyst to identify gaps in implementation of the Durban Declaration and Programme of Action (DDPA) through reinvigorated actions, initiatives and practical solutions. The outcome document of the Durban Review Conference was adopted by consensus and serves to strengthen the political commitment to the implementation of the

DDPA. At its seventy-fourth session in February/March 2009, the Committee on the Elimination of Racial Discrimination (CERD) discussed and adopted a written contribution to the Durban Review Conference, consisting of a synthesis of earlier submissions (E/CN.4/2004/WG.21/10 and Add.1, 17 September 2004; E/CN.4/2006/18, para. 78, 2006; A/HRC/4/WG.3/7, 15 June 2007; and CERD/C/Misc.7/Rev.1, 2008). The Chairperson of CERD and four other members participated in the Durban Review Conference, as did the Chairpersons of the Committee on the Elimination of Discrimination against Women (CEDAW) and CRPD, and a vice-chairperson of the Human Rights Committee. Within the framework of the Conference, on 22 April, CERD members present held a side event which focused on significant substantive and procedural developments in the Committee's work since the World Conference in 2001 and at the same time served to highlight the fortieth anniversary of the entry into force of the Convention.

6. The seventh ICM and the twentieth CM recommended that a working group/task force on follow-up to concluding observations be established inter-sessionally. This recommendation was reiterated at the eighth ICM. The working group/task force will be established after the twenty-first meeting of the chairpersons.

## **II. FOLLOW-UP TO POINTS OF AGREEMENT OF THE TWENTIETH MEETING OF CHAIRPERSONS IN JUNE 2008**

### **Relationship with special procedures mandate holders**

b) The twentieth meeting of chairpersons reiterated earlier recommendations that the Secretariat should seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings, but also with respect to strengthening direct interaction, as appropriate, during sessions of the treaty bodies. This was considered especially crucial with respect to the consideration of a State party in the absence of a report where a country Rapporteur would be able to provide important information. The chairpersons and the special procedures agreed to organize future joint meetings in a more structured fashion and requested the Secretariat to prepare a list of common procedural and thematic issues to be discussed at their eleventh joint meeting.

7. The human rights treaty bodies have continued to meet with special procedures mandate holders, although on an ad-hoc basis. During its forty-third session in January/February 2009, CEDAW took full advantage of being located in Geneva to strengthen its cooperation with other United Nations human rights mechanisms and met with the Special Rapporteur on Violence against Women and the Special Rapporteur on the Right to Health. CEDAW also met with the Independent Expert on Haiti who provided information on Haiti whose report was considered by the Committee during the session. During its forty-second session in May 2009, the Committee on Economic, Social and Cultural Rights (CESCR) met with the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. The Committee on the Rights of the Child (CRC) continued its cooperation with special procedures mandate holders, in this period in particular with the three mandate holders working on the mandates of: a) Sale of children, child prostitution and child pornography; b) Contemporary forms of slavery, including its causes and consequences, and c) Trafficking in persons, especially women and children. This close interaction was related to the ongoing work of the Committee, and also related specifically to preparation for the World Congress III on Sexual Exploitation of Children and Adolescents which was held in Brazil in November 2008.

The Committee also held a separate meeting with the Special Rapporteur on the Sale of children, child prostitution and child pornography during its forty-ninth session. The Committee regularly refers to the findings of special procedure mandate holders in its concluding observations.

8. As in previous years on the occasion of International Migrants Day, on 18 December 2008 the Chairman of the Committee on Migrant Workers (CMW) and the Special Rapporteur on the Human Rights of Migrants issued a joint statement.

### **Human Rights Council**

d) The chairpersons underlined the complementary and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism and emphasized the importance of a continuing dialogue on this matter. Further, the need for developing an effective cooperation between the treaty bodies and the Human Rights Council and strengthening the institutional links between the two systems was recognized. The chairpersons also encouraged the Human Rights Council to extend invitations to the treaty bodies to participate in its sessions, especially during thematic discussions. Finally, the chairpersons highlighted the useful practice of certain treaty bodies of designating observers to follow the universal periodic review in the Council and suggested that this be extended to all treaty bodies.

9. This recommendation was reiterated by the seventh and eighth ICMs, with the eighth ICM recommending that human rights treaty bodies should consider further prioritizing concerns in their concluding observations so that these are appropriately reflected in the compilations that contain summaries of UN information, including treaty body information, and are prepared by OHCHR.

10. Pursuant to recommendations made at those meetings, the Secretariat routinely makes available the compilations prepared by OHCHR, other UPR documents and the outcome of the review relating to the States parties whose reports are under consideration. References to UPR pledges have been made by the Committee against Torture (CAT), CEDAW and CERD during the constructive dialogue, while CEDAW and CAT have occasionally referred to these in their concluding observations.

11. Most of the human rights treaty bodies have discussed the need to develop effective cooperation between the committees and the Human Rights Council, with CAT discussing this issue and the need to strengthen its institutional links with the Council at its forty-second session in April/May 2009. During its seventy-fourth session in February/March 2009, CERD met with the President of the Human Rights Council to discuss the universal periodic review (UPR), during which the Committee indicated that it usually prioritizes three recommendations for follow-up in its concluding observations, but not specifically in relation to the UPR process. Interaction with the CRC was sought by States, members of the Human Rights Council, in particular in cases when these were sponsors of a resolution dealing with issues related explicitly to the rights of the child.

12. The two Rapporteurs appointed by the Human Rights Committee (HRC) on the Committee's relationship with the Human Rights Council, in particular regarding UPR, presented a paper to the Committee during its ninety-fourth session in October 2008. Several recommendations were endorsed by the Committee during the discussion of this paper, including

that treaty bodies should to the extent possible take into account the schedule of UPR when establishing their own schedule of consideration of reports; the Committee also stressed the need to ensure that its recommendations are sufficiently precise and specific so that they are picked up in the UPR process; and treaty bodies should specify the concerns and recommendations that they deem to constitute priorities, so as to guide the OHCHR compilations and the UPR process itself; treaty bodies should keep close track of UPR-related developments and should coordinate in the context of the ICM to discuss their relationship with the Council. At its forty-third session in January/February 2009, CEDAW met with the Secretariat of the UPR and was briefed extensively on this mechanism, with the Committee acknowledging the mutually reinforcing nature of the human rights treaty bodies system and the UPR. Following discussions at its forty-second session in April/May 2009, CAT decided not to follow the recommendation of the eighth ICM with respect to prioritization.

13. Members of human rights treaty bodies have participated in a number of the thematic panels which have been convened in the context of the Human Rights Council. These have included the one-day thematic debates on the rights of the child, the rights of persons with disabilities and the rights of women.

### **III. FOLLOW-UP TO POINTS OF AGREEMENT OF THE SEVENTH INTER-COMMITTEE MEETING**

#### **Follow-up to concluding observations**

e) The seventh inter-committee meeting reiterated its previous recommendation that each treaty body consider adopting a procedure to ensure effective follow-up to concluding observations, such as the appointment of a Rapporteur on follow-up or any other appropriate mechanism. It also recommended that additional resources be allocated to follow-up activities, especially for workshops, meetings, and country visits and that treaty body members be more involved in those activities.

14. The eighth ICM reiterated this recommendation and further recommended that follow-up information received by one treaty body be shared with the other treaty bodies, including in respect of cross-cutting issues and issues of common concern.

15. At its seventy-fourth session in February/March 2009, CERD reiterated its proposal to Member States to establish a mechanism providing for systematic follow-up country visits (CERD/C/Misc.7/Rev.1). At its ninety-fifth session in March/April 2009, the HRC discussed a paper prepared by its Special Rapporteur on Follow-up to concluding observations, which made proposals for the strengthening of the Committee's follow-up activities. Those recommendations include, *inter alia*, a more qualitative and in-depth follow-up to concluding observations and an enhanced assessment of follow-up information to be classified according to four categories: largely satisfactory information; cooperative but incomplete; recommendation not implemented; receipt acknowledged; and no response. The Special Rapporteur also recommended that follow-up missions be conducted where appropriate, which would enable the Committee to assess more thoroughly the implementation of its recommendations at the national level. The Committee further decided to place reminders and follow-up letters to States parties on the OHCHR website. It was agreed that increased cooperation with NGOs, national institutions and relevant international agencies could enhance the impact of the assessment of the Committee made by the Rapporteur on Follow-up to concluding observations.

16. CMW discussed follow-up to concluding observations at its ninth and tenth sessions in November 2008 and April/May 2009 and decided that it would not include specific requests for follow-up in its concluding observations on initial reports. Country Rapporteurs would be tasked with examining any follow-up information received from States parties and report back to the Committee.

17. CEDAW introduced a follow-up procedure in June 2008 whereby it requests States parties to provide follow-up information on the implementation of a limited number of recommendations in its concluding observations on States parties' reports. States parties are requested to provide such information to the Committee within two years. The first follow-up reports will be received in 2009 and the Committee has decided to assess its follow-up procedure in 2011. At its forty-second session in May 2009, CAT decided to assess and analyse its follow-up procedure, identifying difficulties, obstacles and results, by 2010. CRC discussed modalities of follow-up to its concluding observations, taking into account the recommendations of the ICM/CM. They noted that their large backlog of reports pending consideration (approximately 100) left little time for the Committee to request additional reports from States, but would further consider this option. In the meantime, Committee members from various regions stressed the usefulness of follow-up visits, which some of them have undertaken at the invitation of various stakeholders (including governmental, non-governmental and UN, notably UNICEF). The Committee would consider a more systematic approach to such visits that have thus far been conducted on an ad-hoc basis.

#### **Independence of experts**

l) The seventh inter-committee meeting reaffirmed the solemn statement made by the eighth meeting of persons chairing the human rights treaty bodies (A/52/507, paras. 67-68) in 1997 about the necessity to safeguard the independence of treaty body experts.

18. At its forty-second session in April/May 2009, CAT issued a statement (CAT/C/42/3) on the independent, expert manner in which it carries out its functions, in accordance with the provisions of the Convention.

#### **Access to treaty body deliberations**

o) The seventh inter-committee meeting recommended that OHCHR explore alternative means of facilitating the broadest public access to the treaty body public examinations of periodic reports, including the possibility of webcasting and using other modern technologies. The eighth inter-committee meeting reiterated this conclusion to make the work of treaty bodies more widely known and to work towards a common media strategy.

19. This recommendation was reiterated by the eighth ICM. At its ninety-fourth session in October 2008, the Human Rights Committee adopted a working paper on a media strategy (see CCPR/C/94/3), while at its forty-third session in January/February 2009, CEDAW established a task force to develop a media strategy. CERD, at its seventy-third session in July/August 2008, adopted a decision requesting webcasting.

### **Form and structure of lists of issues**

r) The seventh inter-committee meeting acknowledged the usefulness of lists of issues prepared and transmitted to States parties in advance of the consideration of initial and periodic reports. While the content of lists of issues remains at the discretion of each treaty body, within its competence, the inter-committee meeting may wish to identify and discuss best practices in relation to their format and the structure, especially in order to address more focused lists of issues to State parties.

20. After discussion during its forty-second session in April/May 2009, CAT decided to continue the preparation and adoption of list of issues "prior to reporting" for State reports due in 2011. Through this optional procedure, which does not apply to initial reports, or where periodic reports have been submitted and are awaiting consideration, States have the opportunity to receive lists of issues which are prepared and adopted prior to the submission of the States parties' respective periodic reports, in order for the replies to these lists of issues to constitute the State parties' report. Draft lists of issues will be before the Committee at its forty-third session in November 2009, in addition to the draft list of issues for the reports of States parties to be considered during the forty-fourth session in May 2010.

### **Joint general comments**

s) In the light of previous experiences of treaty bodies, the seventh inter-committee meeting noted the usefulness of exploring the possibility of issuing joint general comments. It encouraged treaty bodies to actively consider the discussion and adoption of joint general comments and reiterated that such general comments should only refer to common thematic issues, not treaty provisions, and recommended that OHCHR actively support such a process.

21. During the forty-third session of CEDAW in January/February 2009, the Bureaus of CEDAW and CRC met to discuss possible cooperation. Members of both Committees also met for a working dinner at the invitation of UNICEF where common areas of work were discussed. Several ideas surfaced, including the exchange of draft general comments and the possibility of drafting joint general comments; joint follow-up workshops; and the establishment of a working group on issues on which the two Committees have common concern. During its tenth session in April/May 2009, some CMW members expressed an interest to collaborate with CRPD on the issue of migrant workers disabled by work accidents. At the seventy-second session of CERD, in February/March 2008, a member from CEDAW participated as a resource person in CERD's thematic discussion on special measures, also referred to as 'affirmative action', in order to provide an insight into CEDAW's experience with the subject, on which it had elaborated a general recommendation in 2004. It is envisaged that CERD's draft recommendation on the subject of special measures, to be further discussed at its seventy-fifth session in August 2009, will be shared with CEDAW for comments.

### **Terminology and cross-referencing the work of other treaty bodies**

t) The seventh inter-committee meeting requested the Secretariat to inform the inter-committee meeting of the practices of treaty bodies with regard to terminology and cross-references to the work of other treaty bodies. The inter-committee meeting will revisit this issue in the course of 2009.

22. Since its fortieth session, CEDAW has harmonized its terminology with that of the other treaty bodies and has adopted the term “concluding observations” replacing the previous reference to “concluding comments”. With regard to cross-references to the work of other treaty bodies, CEDAW, CESCR and CAT have on occasion, but not systematically, referred to other treaty bodies’ recommendations in the context of its lists of issues and also in questions posed during constructive dialogue with States parties. The CRC has on many occasions referred to the work of other treaty bodies; both during the constructive dialogue and in the concluding observations themselves, recent examples are available from the fifty-first session.

23. **Ratification of the core international human rights treaties**

u) The seventh inter-committee meeting reiterated that, in their constructive dialogue with States parties and in their concluding observations, all the treaty bodies should actively promote ratification of the other core international human rights treaties, consistent with their working practice, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

24. CEDAW, CRC and CESCR systematically encourage States Parties to ratify the core human rights treaties that these have not yet ratified. CERD routinely recommends ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Statistical information relating to human rights**

v) The seventh inter-committee meeting welcomed the report (HRI/MC/2008/3) submitted by the Secretariat in pursuance of the recommendations of the fifth and sixth inter-committee meetings regarding the use of statistical information in monitoring the implementation of human rights. It encouraged the Secretariat to take the work forward, including through further validation at country level, at the level of specific treaty bodies and by developing appropriate resource materials and tools to operationalize and disseminate its work. In undertaking this task in collaboration with relevant UN entities and other institutions, such as national human rights institutions, the Secretariat should bear in mind the need to contextualise further the adopted framework for identifying indicators and statistical information in accordance with the requirements of different treaty bodies. The Secretariat is requested to brief all treaty bodies periodically, especially the treaty bodies that have not yet been briefed, as well as to consult with them and, in its next report to the inter-committee meeting in 2009, present a timeline for the completion of a full set of indicators.

25. In pursuance of the recommendation of the seventh ICM, OHCHR conducted several consultations and training workshops with different stakeholders at country level for validating and encouraging the application of the adopted conceptual and methodological framework for identifying indicators for use in human rights assessments (HRI/MC/2008/3). The participants at



these workshops included NHRIs, government agencies responsible for preparing reports to treaty bodies and formulating policies, statistical agencies, NGOs, OHCHR field presences and UN country teams. Thus, following the two sub-regional workshops organized by OHCHR in India and Uganda in 2007, a workshop with participants from different national level institutions from nine Latin American countries was organized in Colombia in November 2008.

26. Similarly, national level consultations and workshops were organized by OHCHR in Mexico (August 2008) and Nepal (September 2008 and March 2009) in response to specific requests from national stakeholders. Requests have also been received from several countries in Asia and Africa for organizing additional training workshops for national stakeholders.

27. Following the series of briefings for different treaty bodies (CESCR, CAT, CMW, CRC, CERD and CCPR) initiated at the end of 2007, CEDAW and SPT were briefed during this period on the on-going work of OHCHR in respect of indicators. A reference to this work encouraging States Parties to draw, *inter alia*, on the framework and lists of illustrative indicators outlined in the report (HRI/MC/2008/3) was included in the revised guidelines for the ICESCR-specific documents (E/C.12/2008/2).

28. An expert consultation on human rights indicators was organized by OHCHR in Geneva from 30 April to 1 May 2009. Using the tables of illustrative indicators previously developed on selected human rights, both civil and political rights and economic, social and cultural rights, the meeting, which involved members of treaty bodies, academics, special rapporteurs, NHRIs (Philippines, Uganda) and UN agencies (UNECE, UNICEF, WHO), contributed to the preparation of two tables of illustrative indicators on 'non-discrimination and equality' and 'violence against women'. The list of indicators prepared on violence against women made use of indicators identified by UNDAW, UNECE and UNSD and the Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk (A/HRC/7/6).

29. The expert meeting also contributed to the preparation of the outline of a user's manual to be developed by OHCHR to help disseminate and operationalize the work undertaken on identifying indicators for use in human rights assessments. The experts were of the view that the envisaged manual should primarily target States parties and national stakeholders responsible for producing and using statistical and other appropriate indicators at country level for implementing and monitoring human rights. The meeting suggested further briefings and consultations with international and national human rights stakeholders and experts in preparing the resource materials. It emphasized the importance of outlining practical guidance and tools for the operationalization of the framework and development of human rights indicators at country level. Further contributions and technical inputs from UN agencies and other international organizations were seen by the experts as being vital for taking this work forward. The meeting suggested that the manual, including consolidated lists of illustrative indicators on selected human rights and some identified thematic issues of relevance to the implementation of human rights, should be ready for publication in the first half of 2010. It recognized the need to have an electronic resource base for this work, which could be updated periodically. Indeed, the proposed user's manual and a live electronic database were seen as an integral part of the follow-up strategy to take the work on human rights indicators to its logical end.

## **VI. FOLLOW-UP TO POINTS OF AGREEMENT OF THE EIGHTH INTER-COMMITTEE MEETING**

### **Inter-committee meeting**

c) The eighth inter-committee meeting requested the Secretariat to prepare a briefing note on the history of the inter-committee meeting and meeting of chairpersons and distribute it to all the treaty bodies. All treaty bodies should carefully study the note and discuss the possibility of a merger of the inter-committee meeting and meeting of chairpersons which would allow for the ninth inter-committee meeting to take a decision on this issue. All treaty bodies should also consider whether the inter-committee meeting should be given an enhanced decision-making role with regard to harmonization of working methods.

30. CAT, at its forty-second session in April/May 2009, supported the possibility of a merger of these meetings, while at the same time the Committee did not support providing the ICM an enhanced decision-making role with regard to the harmonization of working methods. CESCR has decided in principle that members who attend ICMs could have an enhanced decision-making role in the ICMs, however, if in their discretion there were matters to be discussed and decided in plenary, they would so accordingly. CRC, at its fiftieth session in January 2009 agreed to the proposal that the ICM be provided an enhanced decision-making role with regard to contributing to the process of harmonization of working methods.

### **Revised harmonized reporting guidelines**

e) Noting that a majority of treaty bodies had adopted revised guidelines for treaty-specific documents on reporting under the international human rights treaties, the eighth inter-committee meeting reaffirmed that the remaining treaty bodies should aim at completing the adoption of their revised guidelines by the end of 2009. As of 2010, States parties would be urged to use the new reporting system as a whole, consisting of a common core document and a treaty-specific document. In the meantime, States parties were encouraged to use the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (as contained in document HRI/GEN/2/Rev.5) and the treaty-specific guidelines already adopted, when submitting a report to a human rights treaty body. OHCHR is encouraged to proactively engage in capacity-building and technical assistance activities, in particular, through its regional and field presences.

31. CERD, CEDAW, CMW and CESCR have adopted their treaty-specific guidelines, with the latter doing so at its forty-first session in November 2008. CAT has appointed two rapporteurs to work with the Secretariat on this issue and plans to adopt its treaty-specific guidelines at its forty-third session in November 2009, while at its ninety-fifth session in March/April 2009, HRC appointed one of its members as Rapporteur on its revised reporting guidelines. The CRC plans to adopt its treaty-specific reporting guidelines at the fifty-second session in September/October 2009.

### **Consideration of a State party in the absence of a report**

f) The eighth inter-committee meeting noted that the absence of State party reports on treaty implementation, including initial reports, affected all treaty bodies. While the consideration of a report, as well as the establishment of a constructive dialogue with

States parties, will always be the objective of treaty bodies, long overdue initial and periodic reports would seriously hamper the monitoring mandate of treaty bodies and the implementation of treaty provisions. Non-reporting States should be reminded of their overdue reporting obligations and encouraged to report, and, as a last resort, treaty bodies should consider reviewing the implementation of treaties in the absence of a report and adopt concluding observations in that respect.

32. At its forty-third session in January 2009, CEDAW considered, for the first time, the implementation of the Convention in a State party in the absence of a report but in the presence of a delegation. In line with its practice, the Committee has called on a number of States parties with long-outstanding reports to submit these by an identified deadline, failing which it will consider implementation of the Convention in the State party in the absence of a report. Lists of issues and questions with respect to some of these States parties will be prepared by the pre-session working group of the Committee in August 2009, and implementation of the Convention in these States parties will be considered by the Committee in the absence of a report during 2010.

33. At its ninth and tenth sessions in November 2008 and April/May 2009, CMW considered the possibility of consideration of implementation of the Convention in the absence of a State party's report, in light of the fact that many initial reports are overdue, but did not adopt a formal decision in this regard.

34. CERD, at its seventy-fourth session in February/March 2009, continued with its practice to consider implementation of the Convention in the absence of reports, where these are more than five years overdue. At each session, at least two non-reporting States are scheduled for review by the Committee.

35. At its ninety-fifth session in March/April 2009, HRC decided that despite the number of reports awaiting consideration, the consideration of implementation of the Covenant in States parties whose initial or periodic reports were overdue should be included systematically in the programme of work for future sessions of the Committee, noting that States parties frequently submit reports in order to avoid consideration of implementation in the absence of a report. The Committee also decided that reminders, including a request to submit overdue initial reports, should be sent to three non-reporting States parties before the end of 2009.

36. At its forty-first session in November 2008, CAT decided to send reminders to all States parties whose initial reports were three or more years overdue.

#### **Informal meetings with States parties**

37. CMW, at its tenth session in April/May 2009, held an informal meeting with States parties and agreed that further informal meetings with States parties would be sought on a regional basis; the first of such meetings is scheduled during the ICM in June 2009, with States parties from GRULAC. CAT and CEDAW also had informal consultations during their forty-second session in April 2009 and forty-first session in July 2008, respectively, with CEDAW planning to have the next one at its forty-sixth session in July 2010. SPT held an informal meeting with States parties to the OPCAT during its eighth session in June 2009. The CRC holds such meetings on a biennial basis and it held its fifth informal meeting with States parties during its fiftieth session in January 2009.

### **Other developments**

38. With regard to follow-up to the recommendations of human rights treaty bodies, in the context of the OHCHR project on strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms, activities have continued for representatives of Governments, the judiciary, national human rights institutions, non-governmental organizations, lawyers and the media. National actors in more than 20 countries have benefited from these activities, which are aimed to increase the participation of civil society in the work of treaty bodies and to enhance the follow-up and implementation of treaty body recommendations at the national level.

39. Workshops to take stock of and analyse the level of implementation of treaty body recommendations and to develop specific plans of action to further enhance the implementation of outstanding recommendations were held in Indonesia and Morocco late in 2008. In addition, regional workshops on follow-up to treaty body recommendations were organized in Panama in August 2008 and in Bangkok in March 2009 with participants from several countries of the region. The Bangkok workshop was the final stage of the OHCHR project on strengthening the implementation of the treaty body recommendations through the enhancement of national protection measures. Immediately following these two workshops, the second Judicial Colloquium on the Domestic Application of International Human Rights Norms. The first judicial colloquium was convened in Nairobi, Kenya, from 27 February to 1 March 2006, the second was held in Panama in August 2008, and the third Judicial Colloquium was organized in Bangkok in March 2009.

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## ANNEX I

### **The history and the status of the inter-committee meeting and meeting of chairpersons**

At its thirty-eighth session in September 1983, 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 coordination of those procedures in the future. 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, within existing resources, a meeting of the Chairmen (*sic*) of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments, and requested the Secretary-General to inform the General Assembly at its next session of the views and suggestions expressed at the meeting if it were convened.

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 convened pursuant to that resolution on 16 and 17 August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex).

In its resolution 42/105 of 7 December 1987, the General Assembly, *inter alia*, requested the Secretary-General to propose a draft agenda for the meeting of the persons chairing the human rights treaty bodies to be held in Geneva in October 1988 which reflected, *inter alia*, the following agenda:

- a) To give priority attention to consideration of remedial measures, including coordinated action when appropriate, to deal with problems highlighted in the reports of the Secretary-General (A/40/600 and Add.1 and A/41/510);
- b) To give further consideration to harmonizing and consolidating reporting guidelines on the basis of the suggestions in those reports with a view to providing clearer and more comprehensive guidelines for more concise reporting by States parties;
- c) To identify and develop possible projects for technical advisory services with a view to assisting States parties upon their request in fulfilling their reporting obligations;
- d) To explore ways of expediting consideration of periodic reports, such as by envisaging time-limits on oral interventions, avoiding duplication in questioning, requesting supplementary written material, and encouraging States parties to submit reports that are as succinct as possible.

The Secretary-General was also requested to submit a report on the meeting to the Assembly at its forty-fourth session.

The second meeting of the chairpersons of human rights treaty bodies, bringing together the chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Committee against Torture was held in Geneva from 10 to 14 October 1988 (A/44/98, annex).

In its resolution 44/135 adopted at its forty-fifth session, the Assembly endorsed the recommendations of the meeting of the persons chairing the human rights treaty bodies, and decided to give priority consideration at its forty-fifth session to the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies. A third meeting of the persons chairing human rights treaty bodies was convened in Geneva from 1 to 5 October 1990 (A/45/636, annex). The meeting's conclusions and recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures were again endorsed by the Assembly in its resolution 46/111. The Assembly also requested the Secretary-General to take appropriate steps in order to finance the biennial meetings of the persons chairing the human rights treaty bodies from regular budget resources, and again decided to give priority consideration at its forty-seventh session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies in the light of the deliberations of the Commission on Human Rights. In its resolution 1992/15 of 21 February 1992, the Commission on Human Rights requested the General Assembly to take appropriate action to enable the meeting of the persons chairing human rights treaty bodies to be held on a biennial basis.

The fourth and fifth meetings of the persons chairing the human rights treaty bodies was convened in Geneva from 12 to 16 October 1992 (A/47/628) and 19 to 23 September 1994 (A/50/505) respectively. The conclusions of the former meeting were endorsed by the General Assembly in its resolution 48/120 at its forty-eighth session in 1993 and resolution 1994/19 of 25 February 1994 of the Commission on Human Rights, with both bodies requesting the Secretary-General to take the appropriate steps in order to continue financing the biennial meetings through the regular budget. The Assembly took note of the conclusions of the fifth meeting in its resolution 49/178 of 23 December 1994 and requested the Secretary-General to take the appropriate steps to finance annual meetings of persons chairing the human rights treaty bodies from the regular budget, a request welcomed by the Commission on Human Rights in its resolution 1995/92.

With the exception of 1998, when the meeting convened twice, with an extraordinary three-day meeting being held in early 1998 in order to pursue the reform process aimed at improving effective implementation of international instruments on human rights, the meeting of persons chairing the human rights treaty bodies has convened annually since 1995 and has been funded through the regular budget. Its membership has grown as new treaty bodies have been established, while bodies which are obsolete do not participate. The reports of the annual meetings are transmitted to the General Assembly and it has taken note of its recommendations in annual resolutions (A/RES/50/170; A/RES/51/87, A/RES/52/118, A/RES/53/138; A/RES/55/90; A/RES/57/300). The Commission on Human Rights also took note of the conclusions and recommendations of the meetings from 2006 (CHR resolution 1996/22).

The first inter-committee meeting was convened pursuant to a recommendation of the thirteenth meeting of chairpersons of the human rights treaty bodies in June 2001 to hold a meeting to consider the subject of methods of work and reservations to the human rights treaties. The meeting, which brought together the chairperson and two other members of each treaty body, was convened from 26 to 28 June 2002, immediately after the fourteenth meeting of chairpersons which took place from 24 to 26 June 2002. The agenda of the first inter-committee meeting was agreed by the fourteenth meeting of chairpersons which also recommended that the inter-committee meeting should be held every two years, preferably for a period of three or four days, following the chairpersons' meeting, which should be convened for five days. The second

inter-committee meeting was convened prior to the fifteenth meeting of chairpersons, and at the request of the latter meeting, the report of the inter-committee meeting was annexed to that of the chairpersons.

The fifteenth meeting of chairpersons noted that the inter-committee meeting provided a valuable forum for discussion and the opportunity to develop a consistent and coherent approach by treaty bodies to substantive human rights issues and recommended that the inter-committee meeting should be convened annually, immediately prior to the annual meeting of chairpersons, and that the two meetings should be convened within the same one-week period. In the same recommendation, the chairpersons recommended that the agenda of the inter-committee meeting should be devoted to specific substantive issues that affected all treaty bodies (A/58/350, para. 50). Pursuant to this recommendation, the inter-committee meeting which is funded out of extrabudgetary resources has met prior to the sixteenth, seventeenth, eighteenth, nineteenth and twentieth meeting of chairpersons of human rights treaty bodies. Its report has been annexed to that of the meeting of chairpersons of human rights treaty bodies, which is submitted to each annual session of the General Assembly.

At its nineteenth meeting, the chairpersons endorsed a recommendation of the sixth inter-committee meeting recognizing the need to improve and harmonize further the working methods of the human rights treaty bodies and recommending that the inter-committee meeting convene twice annually with the participation of the chairpersons, who were ex officio members for that purpose. It was agreed that the inter-committee meeting would, inter alia, make recommendations for the improvement and harmonization of working methods of human rights treaty bodies, and that as usual recommendations of the inter-committee meeting should be adopted in consultation and with the approval of all the human rights treaty bodies (A/62/224). Pursuant to this recommendation, the inter-committee meeting convened twice in 2008.