

MEETING OF THE CHAIRPERSONS OF THE HUMAN RIGHTS TREATY BODIES

13th Session (Geneva, 18 to 22 June 2001)

The 13th session of the meeting of the Chairpersons of the human rights treaty bodies took place from 18 to 22 June 2001. A heavy emphasis was placed on co-operation and co-ordination. One of the main topics of concern was predictably the growing burden of work for the treaty bodies.

The six Chairpersons of the treaty bodies, who were all present at the 13th session of the meeting were: Ms **Charlotte Abaka** (Committee on the Elimination of Discrimination against Women), Mr **Prafullachandra N. Bhagwati** (Human Rights Committee), Ms **Virginia Bonoan-Dandan** (Committee on Economic, Social and Cultural Rights), Mr **Peter Thomas Burns** (Committee against Torture), Mr **Jaap Doek** (Committee on the Rights of the Child), and Mr **Michael E. Sherifis** (Committee on the Elimination of Racial Discrimination). Elected as Chairperson-Rapporteur was Mr Michael E. Sherifis, with Ms Charlotte Abaka as Vice-Chairperson.

Opening statements

Mr **Bertrand Ramcharan**, Deputy High Commissioner for Human Rights, opened the session on behalf of the High Commissioner for Human Rights. Reference was made to several positive developments over the last year including the creation of several new mechanisms by the Commission on Human Rights, the unprecedented number of ratification of the Optional Protocols to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women, and China's ratification of the International Covenant on Economic, Social and Cultural Rights. One particular issue of concern taken up was the backlog in the consideration of States' reports.

Also addressing the meeting were Mr **Singh**, Co-ordinator of the Office of the High Commissioner for Human Rights (OHCHR) for the World Conference Against Racism, and Mr **Andrew Clapham**, Special Adviser to the High Commissioner on Corporate Responsibilities, who discussed the possibilities for **private corporations** being held responsible for human rights violations.

Review of recent developments

Presentations were given by each of the Chairpersons concerning the developments and activities of their respective committees over the past year. As in previous years, the primary issue of concern was the heavy workload and the lack of resources. The **Committee on the Elimination of Discrimination against Women**, for instance, reported that, in the past year, 15 reports had been reviewed. The **Committee on Economic, Social and Cultural Rights** had to hold extraordinary sessions to deal with the backlog of work and revise its methods of work concerning periodical reports. The **Committee against Torture** referred to its growing workload due to the communications and investigations procedures.

Informal consultation with States

On Wednesday 20 June 2001, the Chairpersons met with representatives of States for a dialogue on the functioning and effectiveness of the six treaty bodies.

All participants in the discussion agreed that the growing burden of work for the treaty bodies as well as for States needs to be dealt with. Especially for developing countries, the reporting obligations of the several treaty bodies are becoming a heavy burden. The possibility to make use of combined reports was generally regarded as a workable solution to the

problem. The possibility of providing technical assistance was also welcomed by many States.

The States and the Chairpersons shared the view that co-ordination and co-operation between the treaty bodies needs to be improved. To prevent duplication, information should be shared between the treaty bodies. Harmonising the working methods of the six treaty bodies would improve the transparency of the system.

On the issue of **benchmarks and human rights indicators**, the States expressed their view that the specificity of each country's situation needed to be taken into account.

Co-operation with the Commission on Human Rights

Discussions were held with the Chairperson (Mr Leandro Despouy) and the Rapporteur of the 57th session, who both stressed the complementarity of the Charter and treaty system and the need for co-operation.

The Chairpersons of the six human rights treaty bodies responded positively and proactively to the opportunity for dialogue with representatives of the Commission. Ms Virginia Bonoan-Dandan expressed concern that the relationship existing currently between the treaty bodies and the Commission was a "*one-way street*" where both bodies "*read about the other*". She emphasised the need for forums where dialogue could take place. Justice Prafullachandra Natwarlal Bhagwati suggested that it would be useful for a representative from each Committee to be present at the Commission. Most of the Chairpersons expressed surprise upon being informed that a standing invitation already existed for the Chairpersons of the six treaty bodies to attend the Commission.

In a number of areas, the Chairpersons requested support from the Commission to facilitate their work.

Co-operation with the Sub-Commission on the Promotion and Protection of Human Rights

The Chairperson of the Sub-Commission attended the annual meeting of the Chairpersons of the treaty bodies for the first time this year. Ms Lulia-Antoanella Motoc informed the Chairpersons of the "*reform*" process that was currently underway within the Sub-Commission, with recent changes to its mandate and powers. In spite of this, she expressed a strong desire for the establishment of strong co-operation between the two bodies. She emphasised that the Sub-Commission was still playing an active role in human rights research and encouraged the treaty bodies to submit requests for particular fields of interest. Ms Motoc noted that a number of studies had already been carried out on issues relevant to the Committees, such as studies on affirmative action and discrimination (Committee on the Elimination of Racial Discrimination), intellectual property rights (Committee on Economic, Social and Cultural Rights), and traditional practices (Committee on the elimination of discrimination against women). In response, several of the chairpersons voiced their concern about the reforms that were occurring. Ms Bonoan Dandan also suggested that the invitation of relevant Sub-Commission members to "*thematic*" days of general discussion might be another step towards facilitating co-operation.

Co-operation with other UN bodies and specialised agencies

The session devoted to dialogue with the various UN bodies and specialised agencies centred around the measures taken to promote the work of the treaty bodies and the difficulties or shortcomings they were experiencing in relation to this. A number of Chairpersons attempted to re-focus the discussion on concrete issues of whether or not the concluding observations and recommendations of the six Committees were realistic, appropriate, and able to be implemented in the field. These attempts to obtain concrete feedback from the UN bodies and specialised agencies were largely unsuccessful.

The UN bodies and specialised agencies informed the Chairpersons they were taking a variety of different measures to support the work of the treaty bodies. The **United Nations Children's Fund** (UNICEF) reported that they take steps to promote the importance of the treaty bodies in policy papers. The **World Health Organisation** (WHO) and the **United Nations Development Programme** (UNDP) stated that they play a role in contributing to the State report writing process for the Committees. The **United Nations Population Fund** (UNFPA) recollected that it had participated in thematic discussions held in conjunction with the treaty bodies and other organisations.

The most commonly reoccurring difficulty raised in the course of the discussions centred on the lack of implementation of treaty body recommendations in the field. The **UNICEF** admitted there was a lack of follow through in the field in relation to the implementation of concluding observations and recommendations.

The **World Bank**, in their statement, conveyed a number of strong criticisms of the treaty body system, stating that dialogue within the Committees "*occurred in the absolute*" with little recognition of the State situation. The representative stated that the treaty bodies underestimated "*the difficulties that States have in mainstreaming human rights into their economic strategies*" and that "*concluding observations and recommendations should [therefore] not be treated as "conditionalities"*". He concluded his statement by stating that at a practical level there was a weak link between "*economics and human rights*".

Co-operation with NGOs

NGOs reported that they were implementing a number of strategies to promote and facilitate the work of the treaty bodies including: dissemination of concluding observations and recommendations; bringing NGOs from the field into contact with the treaty bodies; producing press releases outlining the work of the treaty bodies and their conclusions and recommendations; the incorporation of treaty body recommendations into public reports; and surveying national NGOs in order to find out how concluding observations and recommendations were being implemented practically in the field.

Most NGOs acknowledged that the implementation of treaty body conclusions and recommendations by States was not adequate and gave a number of suggestions as to how this can be improved. These included: the need for more involvement from civil society in the implementation of conclusions and recommendations; the necessity for further efforts to increase public awareness of the work of the treaty bodies and State obligations; and the creation of follow-up teams within countries that are responsible for the implementation and monitoring of conclusions and recommendations.

Co-operation with the special procedures of the Commission

The annual meeting between the special procedures of the Commission and the Chairpersons of the treaty bodies was also attended by the chairperson of the 52nd session of the Sub-Commission, the High Commissioner for Human Rights, who attended the later part of the meeting, and the Deputy High Commissioner for Human Rights.

Dialogue between the special procedures and the Chairpersons focused on the need for increased co-ordination between the two systems. Many participants expressed the need for a system of communication that preferably involved face-to-face contact.

Participants also forwarded a number of practical strategies. Ms Bonoan-Dandan emphasised that the input of relevant special procedures into the construction of General Comments would be extremely valuable. She also noted that the special procedures could give the Committees valuable feedback as to how General Comments were being implemented in the field. Ms Bonoan-Dandan also suggested that relevant special procedures could be invited to general days of discussion held by the Committees.

Many Chairpersons also indicated their desire to work closely with country rapporteurs during the period when particular State party reports were to be examined. Mr Miloon

Kothari, Special Rapporteur on the right to adequate housing, requested that a list of the working relationships that already existed between certain special procedures and treaty bodies be circulated. Ms Motoc, also requested that special procedures of the Sub-Commission be added to the list.

Further suggestions raised in the discussions included: that a central list of the General Comments written by the six Committees be created; that a central point for information relevant to the special procedures and the treaty bodies be established and maintained; and that the concluding observations of any State party that comes under the mandate of a special procedure be directly transmitted to the country rapporteur concerned. Other issues raised in the discussions included how to deal with countries who have extremely serious human rights situations and who do not submit reports to the treaty bodies, and how to make the best use of each other's information and expertise.

Prof. Bayefsky's Report

A cross-cutting issue throughout the meeting was Prof. Bayefsky's report entitled "*The UN Human Rights Treaty System: Universality at the Crossroads*".

The report, prepared at the request of the OHCHR, criticised the work of the UN human rights treaties bodies. In her executive summary, Prof. Bayefsky argues that the result of creating these treaty bodies has been "*a burgeoning reporting burden, duplication of procedures, little effort to synchronise substantive outcomes and rudimentary follow-up processes and responsibility*". She proceeds to argue "*in the meantime, treaty body members have struggled to preserve their independent expert status in a highly politicised UN environment, which has populated their numbers with many government surrogates and grossly under-financed work*". Particular reference was made to the Committee on the Elimination of Racial Discrimination, which was accused of bias in its concluding observations and of having its early warning system driven by political motivations.

A number of recommendations are given concerning States themselves, the OHCHR, and the non-governmental community. It is *inter alia* recommended that States submit one consolidated report applicable to all ratified treaties and organised on a thematic rather than treaty basis. The report also recommends that concluding observations be far more conscious of programmatic requirements.

While the allegations contained in the report had already been rejected by the Committee on the Elimination of Racial Discrimination, the Chairpersons frequently took up this issue in the meeting.

In response to enquiries, the Deputy High Commissioner informed the meeting that while the OHCHR encouraged independent investigations and was willing to provide information, the reports itself was the sole responsibility of the author and not of the OHCHR. Mr Doek asked how the recommendations from Prof. Bayefski's report would be addressed by the Commission and which of the recommendations would be considered a priority.