

MEETING OF CHAIRPERSONS OF THE HUMAN RIGHTS TREATY MONITORING BODIES

17th session (Geneva, 23 to 24 June 2005)

All seven chairpersons of the human rights treaty-monitoring bodies assembled for the 17th meeting of chairpersons of the human rights treaty bodies: Ms. Christine Chanet, Chairperson of the Human Rights Committee (HRC), Ms. Virginia Bonoan-Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights (CESCR), Mr. Jakob Egbert Doek, Chairperson of the Committee on the Rights of the Child (CRC), Ms. Rosario Manalo, Chairperson of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), Mr. Mariano Jorge Yutsis, Chairperson of the Committee on the Elimination of Racial Discrimination (CERD), Mr. Fernando Mariño Menendez, Chairperson of the Committee against Torture (CAT), and Mr. Prasad Kariyawasam, Chairperson of the Committee on Migrant Workers and Members of their Families (CMW).

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

On 24 June 2005, the chairpersons met with the Expanded Bureau of the 61st session of the Commission on Human Rights (the Commission) and with the representative of the Chairperson of the 56th session of the Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission), Mr. Paulo Sérgio Pinheiro. Ambassador Makarim Wibisono, the Chairperson of the 61st session of the Commission, stated that monitoring of the implementation of human rights treaties by independent experts provided the Commission and other human rights mechanisms with key inputs. Mr. Pinheiro stressed the importance of continuing the dialogue between the treaty bodies and the Sub-Commission on topics of mutual concern. Among other items, reform proposals and their implications for different mechanisms were discussed. The 17th meeting of chairpersons reaffirmed its recommendation that the Commission set aside appropriate time for an interactive dialogue with the chairpersons of the human rights treaty bodies, which may be alternatively represented by their vice-chairpersons. It also recommended that funds be made available to allow the attendance of special procedures mandate holders in treaty body sessions. In regard to the Sub-Commission, the chairpersons expressed their satisfaction with such cooperation, which they considered relevant to their work.

Seventh joint meeting of chairpersons of human rights treaty bodies and special procedures

Held on 23 June 2005, the meeting of the chairpersons and the special procedures mandate holders addressed counter-terrorism and human rights and the ongoing reform of the UN human rights system. The Secretariat mentioned several new developments on the issue of human rights, terrorism, and human security including: the creation of a new mandate for a Special Rapporteur in charge of monitoring States' counter-terrorism measures and their conformity with international human rights law; the decision of the Sub-Commission to hold an inter-sessional working group at its 57th session in August 2005, which would study the issue of developing guidelines on the compatibility of adopted counter-terrorism measures with international human rights standards; and the recent development of a greater level of coordination between the Counter-Terrorism Committee of the Security Council and the Office of the High Commissioner for Human Rights (OHCHR).

During the debate, the special procedures mandate holders and treaty body representatives outlined the negative side effects that recent security measures have had on human rights, both on civil and political, as well as on economic, social, and cultural rights. Several individuals indicated that States, in dealing with terrorism, needed to pay greater attention to human rights and human security. A number of individuals called for States to adopt comprehensive strategies that did not merely focus on coercive measures, but which also took into account human rights concerns, many of which related to the root causes of terrorism. There was a common call for the need of the special procedures mandate holders and treaty bodies to work in close cooperation with one another in order to better safeguard human rights in this particular area.

Although UN reform was not officially on the agenda, a number of individuals noted the importance of the reform process to both the special procedures and the treaty committees, and suggested that the two bodies take the opportunity to exchange views on this topic. Several participants also argued that it would be beneficial for the special procedures mandate holders and treaty bodies to develop a common position with respect to the various reform proposals. A number of participants from both groups voiced their misgivings with respect to the Plan of Action of the High Commissioner for Human Rights as well as to the idea of developing a unified treaty body. There was also concern that the reform process would undermine the ability of the treaty bodies and the special procedures mandate holders to perform their functions effectively.

Informal consultations with State parties

The chairpersons held informal consultations with States on 23 June 2005 (78 States participated). The exchange with States mainly focused on the draft harmonized reporting guidelines, but comments were also made on OHCHR's Plan of Action and technical assistance. No unified position emerged in regard to the draft guidelines, as States remained divided on the issue. Those that endorsed the draft guidelines considered them an excellent contribution to reinforcing monitoring mechanisms. They argued that the guidelines were a lasting solution to the problem of delays and duplication, and insisted on the critical role that technical assistance would play for their implementation. However, even States in favour of the reform expressed their fear of being burdened. It was thereby noted that the common core document and the treaty-specific document had to be complementary in order to facilitate reporting by States.

There was great anticipation for the statement of Timor Leste due to its status as a pilot State in the implementation of the guidelines. Timor Leste conveyed that reporting under the common core document guidelines offered the opportunity to conduct a more integrated assessment of State party compliance with human rights treaty obligations and enhanced opportunities to mainstream human rights treaty standards into development planning. Furthermore, it argued that the specificity demanded by the traditional report process would not necessarily be lost.

State parties opposing the draft guidelines argued that, as presented, they would increase the State's burden. They referred to Paragraph 14 of the draft guidelines in particular, which specifies that States should use information technology for data collection and processing when formulating the various reports. They also referred to Paragraph 45(d), according to which States should indicate other State parties' objections to their own reservations. They argued that such provisions did not respect the letter of the treaties they had ratified, and thus exceeded the scope of the obligations that they had accepted to abide by. The idea of a unified treaty body (part of the OHCHR's Plan of Action) also did not receive consensus. Many States called for clarification of the concept.

Finally, some States also discussed the working methods of treaty bodies. Particular mention was made of the list of issues, which State parties generally found very helpful. However, some States like Luxembourg, which spoke on behalf on the European Union, proposed that the form, use, and distribution of these lists should be harmonized for all committees and recommended the number of topics covered in the lists be limited.

Cooperation with the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

On 24 June 2005, the chairpersons met with Mr. Vitit Muntarbhorn, member of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. This meeting underscored the critical importance of linking treaty bodies and technical cooperation. During this session, Mr. Muntarbhorn presented an overview of the Fund's activities. He stated that the Board held seminars on the administration of justice, took part in the peace-keeping operation in Timor Leste, and had established presences at regional and sub-regional levels.

The chairpersons mainly recommended that the Voluntary Fund continue to play a critical role in enhancing States' capacity to address reporting requirements and implement treaty body recommendations. In particular, they suggested that funds be made available to help States provide disaggregated data. It was also suggested that funds be provided to allow treaty bodies to visit special procedures or field officers. Some participants also proposed that funding for technical cooperation be used to promote capacity-building of non-governmental organisations (NGOs) in documenting human rights violations.

Mr. Muntarbhorn stressed the importance of simplifying concluding observations and tailoring them more specifically to the country situation. While recognizing that technical cooperation should be made more available to civil society, he nevertheless indicated that the Voluntary Fund was first and foremost addressed to States, and that, therefore, assistance to civil society should only be provided indirectly, through the funding of States' community projects.