

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

INTER-COMMITTEE MEETING AND MEETING OF THE CHAIRPERSONS OF THE HUMAN RIGHTS TREATY BODIES

6TH AND 19TH MEETINGS

18-22 JUNE 2007

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Overview

The 6th Inter-Committee Meeting of the Human Rights Treaty Bodies (ICM) took place from 18 to 20 June 2007. Among the most prominent themes discussed was the treaty body reform process, including a unified treaty body system, and the two proposals to harmonise the working methods of the Committees. The first,

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put forth by the Committee on the Elimination of Discrimination against Women (CEDAW), described a Working Group made up from one member of each Committee to meet once or twice a year to discuss harmonising working methods and report to the ICM/MC. The second, proposed by the Human Rights Committee, described the establishment of a single coordinating body composed of Committee members that would replace the ICM and Meeting of the Chairpersons (MC). The second proposal was finally chosen. Other matters brought up before the ICM included the Swiss Federal Department of Foreign Affairs' presentation of a web-based platform that would provide a way to track the implementation of Committee recommendations and see the progression a State makes over different sessions before each Committee. The need to further engage with non-governmental organisations (NGOs) and National Human Rights Institutions (NHRIs) was also highlighted, with NGOs raising concern that the harmonisation process would reduce their involvement. The Special Representative of the Secretary-General on human rights, transnational corporations and other business enterprises, John Ruggie, also took part in a discussion with the Committee members. Finally, the ICM received the UN High Commissioner for Human Rights, who shared her predictions on the impact of the UPR on the work of the Committees.

The 19th Meeting of Chairpersons (MC) took place on 21-22 June 2007. The discussion focused on the possibilities of improving working methods of the treaty bodies. Luis Alfonso de Alba, the former President of the Human Rights Council, addressed the MC by reassuring Committee members that the relationship between the treaty bodies and the Council would be complementary and that treaty bodies would retain their autonomy. The Chairpersons also had a joint meeting with Special Rapporteurs that was focused on the UPR mechanism. An informal consultation with State parties was also held in the afternoon of the first day of the meeting where the Chairpersons of treaty bodies and delegates shared their concerns, including the broader ratifications of treaties, timely submission of reports by States and the harmonisation of working methods. The report was adopted at the end of the MC.

Inter-Committee meeting

Opening meeting

Ms Jane Connors, the representative of the High Commissioner for Human Rights, opened the 6th Inter-Committee Meeting of the Human Rights Treaty Bodies (ICM) on 18 June 2007 as the UN High Commissioner for Human Rights, Ms Louise Arbour, could not be present.¹ Ms Connors outlined the purpose of the Inter-Committee Meeting, explaining that it is designed to provide a framework in which to discuss how the treaty body system may be most effective, especially in the creation and maintenance of national systems of protection. She emphasised that the treaty system works best when the bodies work in harmony, which can improve its monitoring work. The development of better harmony and working relationships has been a focal point since the ICM's second meeting in 2003, where the Secretary-General's reform report *'Strengthening the United Nations: an agenda for further change'* was presented. The ICM has considered other improvements that have resulted in progress in unification of working methods; follow-up to recommendations; and relationships with other organisations and agencies.²

In her overview of the past year's developments, she first reminded the Committee members of their previous progress in 2006 on the working group on streamlined reporting, which was comprised of Committee members from the ICM and MC and drafted guidelines for a common core document. Ms Connors noted that the group's recommendations were accepted by the ICM and Meeting of the Chairpersons (MC) in 2006 and stressed that treaty bodies should implement these recommendations in a flexible manner. She reviewed

¹ The full text of Ms Connors' presentation is available at <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

² See for example HRI/MC/2007/4; HRI/MC/2007/2; and HRI/MC/2007/7, available at <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

developments that had occurred since the 5th ICM, including the brainstorming session 'Malbun II'³ in Liechtenstein, where the participants (treaty body members, representatives of States parties, United Nations entities, national human rights institutions and non-governmental organisations) considered the High Commissioner's proposal for a unified standing treaty body and decided that at this point the focus should remain on the harmonisation of working procedures rather than more far-reaching structural reforms. Ms Connors also touched on the recommendations with regard to improved follow-up of concluding observations, enhancing cooperation with specialised agencies, NGOs and NHRIs, and the question of reservations.

The members then appointed Mr Phillippe Texier (Committee for Economic and Social and Cultural Rights (CESCR)) as Chairperson of the meeting. Mr Régis de Gouttes of the Committee for the Elimination of All Forms of Racial Discrimination (CERD) was nominated and selected as vice-chairperson.

Follow-up to recommendations of the 5th ICM

In the ensuing discussion, members commented about the implementation of recommendations from the 5th ICM. Notable issues that arose included:

- On the interaction with the Human Right Council (the Council), members stressed the need to maintain the independence and integrity of the treaty bodies while emphasising that communication and cooperation was necessary.
- Regarding periodic reports, some members suggested that there should be no mandated periodicity for the reports, opting instead for flexibility.
- Andreas Mavrommatis from the Committee against Torture (CAT) outlined a new procedure being tested within the CAT, where States may use their 'response to the list of issues' as their report. Other Committee members expressed concern about this approach, saying that the list of issues covered only limited topics, and that the range of information provided in current State reports was helpful.
- On follow-up procedures, Ms Yanghee Lee of the Committee on the Rights of the Child (CRC) noted that it conducted some country visits and the CERD explained that it had assigned a member to preside over follow-ups. Mr Texier emphasised that follow-up was the 'weak link' of the CESCR and would remain so until the treaty has an optional protocol.⁴

Furthermore, there was general agreement regarding a productive method for dealing with the late submission of State reports. This procedure involved notifying countries of a Committee's intention to proceed with an examination without the participation of the State. States will most commonly submit a report before allowing this to happen.

Human rights indicators

The Monday afternoon session of the ICM began with an interaction between Committee members and a member of the Office of the High Commissioner for Human Rights (OHCHR) on the issue of indicators. The Office's representative gave an overview of the activities carried out in 2006 and of the forthcoming ones for 2007. The discussion centred on the report on indicators for monitoring compliance with international human rights instruments that was prepared by the Secretariat in response by the request by the Chairpersons at the 17th MC in 2006.⁵ This report defined human rights indicators as specific information on the state of an event, activity, or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of

³ A/61/351, 18 September 2006. Available at <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

⁴ Materials on the Working Group on an Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights are available at <http://www.ohchr.org/english/issues/escr/group3.htm>. The Working Group's 4th session will take place from 16-27 July 2007.

⁵ HRI/MC/2006/7. 11 May 2006, available at <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

human rights.⁶ The OHCHR representative described the indicators as being in relation to the implementation of recommendations of treaty bodies. He described that the goal was to establish indicators that were not region-specific and that targeted cross-cutting and substantive rights. He explained that the timeline included a set of consultations at the expert level, which have already been done, as well as country-level discussions with the NHRIs, statistics bodies, and policy makers and finally briefing sessions for the Committees. These briefings, he noted, will hopefully take place between the present date and 2008.

The Committee members thanked the representative for the Office's work and the information provided. Mr Phillipe Texier of CESCR stressed that he appreciated the move forward on the issue of indicators because of the importance of having national benchmarks and criteria, since benchmarks provide a way to gauge performance on indicators, and allow for quantitative assessment on implemented measures. However, many regretted that only informal meetings with Committees had been held on this issue.

The discussion focused on to the limitation of criteria used to select indicators, for example the criterion of being amenable to disaggregation in terms of sex, age, and other vulnerable or marginalized population segments. Some Committee members stated that certain criteria were not clear enough and did not reflect reality, for example because of varying levels of development in industrialized and non-industrialized countries, and how that might effect the application of benchmarks. The representative of OHCHR explained that it was intended to provide a framework that allows for universal standards and that indicators were aimed at guiding the work of potential users.

Harmonisation of working methods

A summary of the two possibilities for harmonising the working methods of the treaty bodies was presented. The first one, supported by the Committee on the Elimination of Discrimination against Women (CEDAW), called for the establishment of a Working Group composed of a representative of each Committee. It would meet once or twice a year and would elaborate on means of harmonising working methods. The second option, based on the Human Rights Committee proposal, envisaged the establishment of a single coordinating body composed of Chairs as well as Committee members that would be responsible for the effective oversight of working methods. It would replace the ICM and the MC and meet once a year for a week.

In the course of the discussion, a third proposal was put forward by Mr Mario Yutzis of CERD. It would consist of combining the two initial options and would be composed of three members of each Committee.

Although the Committee members present acknowledged the need to harmonise working methods, there was no agreement at first on this issue. On the second option, it was said that there was some legal impediments. The issue of decision-making power of the body in charge of the harmonisation also needed to be addressed. Certain Committee members regretted the lack of official position of each Treaty Body on this question and encouraged them to work on it. In the following day's meeting, however, Mr Amor from the Human Rights Committee repeated his proposal regarding merging the Inter-Committee meeting and the meeting of the Chairpersons of the treaty bodies into one group that would meet twice a year for three days on each occasion. At this point, the Committee members present supported the merger, with Mr de Gouttes from the Committee on the Elimination of All Forms of Racial Discrimination noting that it would strengthen the effort towards harmonisation of the different Committees' working methods. After limited discussion over whether three days was sufficient time or if five would be better, the Chairperson concluded that there had been consensus on the fusion of the MC and ICM to meet twice a year, with the number of days as yet undecided.

Presentation of 'reporting on demand' tool

⁶ This is the definition put forward by Paul Hunt in A/58/427, Section II; 10 October 2003, available at <http://www.unhcr.ch/Huridocda/Huridoca.nsf/>.

On the morning of 19 June, Mr Christoph Spenlé and Mr Mike Halfar from the Swiss Federal Department of Foreign Affairs presented a web-based platform that they claimed would simplify State reporting for treaty bodies and improve inter-ministerial coordination. The platform, called reporting on demand (ROD), would also provide a way to track the implementation of Committee recommendations and plot a State's progression over different sessions before each Committee. Mr Spenlé outlined how current State reporting is often done by email, so that people and departments with different expertise can contribute. He pointed out drawbacks to this, namely that there is no single point of access and that it is therefore difficult for organization-wide knowledge to accumulate. ROD corrected these drawbacks, offering an entirely web-based programme that encourages information sharing and the accumulation of a knowledge base, as well as efficiency and transparency. Mr Spenlé gave a demonstration of the programme, showing how editing and saving the document could be done by different users and then published with the click of a button. Mr Spenlé reiterated that the system helps produce reports faster and with a higher quality of information resulting from better collaboration and less duplication.

Committee members thanked Mr Spenlé and Mr Halfar for their presentation and raised some concerns they had. CRC member Mr Pollar raised concerns about the necessary technology, wondering if his country of Uganda, for example, could make use of such a programme. Mr Spenlé responded that the Swiss government was prepared to offer training programmes and human resources, affirming that a system that only needed a few notebook computers and a willingness to work together might be a much cheaper way to produce reports than the current procedure. Committee members also raised concerns over the inclusion of civil society or NHRIs in the early reporting stages, either due to State sovereignty or the need for NGO and civil society independence. Mr Spenlé responded that the system was flexible. The question of the degree of access of collaboration that a State party desired was therefore a political and not a technical question. He reinforced that the ROD system is neutral, and that it is up to States to implement contributions in a manner that they find to be most effective.

Meeting with UN specialized agencies, funds, and programmes

Representatives from the specialized agencies of the UN (UNESCO, UNHCR, the ILO, the World Bank, WHO, and UNICEF) presented comments to the Committee members on their relationships with the treaty bodies.

- The UNESCO representative discussed initiatives for quality research networks on social and cultural rights, and commented that education and the right to benefit from scientific research were focal areas for the agency.
- The UNHCR representative updated the Committee members on the rising number of refugees and internally displaced persons, highlighting his agency's role in camp management and thus the knowledge base to which UNHCR had access. He described the need for cooperation between the agencies, the treaty bodies and the Human Rights Council, and noted that his agency was pleased with the movement towards a unified, harmonised treaty body system.
- The ILO representative discussed the importance of the impact of human rights work, noting that a unified system was vital to be able to measure impact and thus guide work at the ILO.
- The representative of the World Bank stated that the Bank has no formal arrangements with the treaty bodies, but that it could play a facilitative role by providing technical and other data. She also mentioned that the topic of human rights indicators could be an area where the World Bank and the treaty bodies may collaborate and share information.
- The WHO's representative affirmed the role that the treaty bodies have in monitoring and evaluation, as well as in formulating existing tools to develop a human rights approach in various fields, including health. He stated that he hoped the UN agencies would continue to have input as the treaty body reform and unification process went forward.

- Finally, UNICEF's representative discussed the importance of country-level implementation of treaty body recommendations. He also affirmed that treaty bodies should remain an independent voice and therefore a separate advocate on issues that need attention, including child rights.

There was time for a few comments by Committee members, who mostly approved of the calls for a harmonised treaty body process with continued and improved input from and collaboration with the various agencies.

Discussion with John Ruggie, Special Representative of the Secretary General on business and human rights

On the afternoon of 19 June, the Special Representative of the Secretary-General on human rights, transnational corporations (TNCs) and other business enterprises, Mr. John Ruggie, presented his comments to committee members at the ICM. His stated purpose at the meeting was to discuss how he has made use of the work of the treaty bodies and to get feedback on questions that had arisen in the course of his work which the jurisprudence of the Committees may help in answering. Mr Ruggie pointed out links between his own work and that of the treaty bodies, noting that various Committees have suggested measures that States should take for monitoring, adjudicating and regulating corporate activity. He identified particular points for discussion with reference to his mandate, namely: ascertaining the extent of the duty of States to protect human rights with regards to the conduct of transnational corporations; whether the duty to protect human rights pertains to the company in question or to the persons running the company; the question of extra-territoriality, namely, whether national laws can apply to the conduct of a transnational corporation outside its home state; the question of whether States are obligated only to 'protect' human rights when violations have been committed by a State-owned enterprise; and the legal extent of the responsibilities of business enterprises in relation to human rights treaties, particularly in the case of State-owned enterprises. He affirmed that he did not expect full answers but perhaps a discussion of the above points, and the ensuing discussion revolved around the duty of States to protect human rights; examples where businesses may be held responsible for violations of human rights; and instances in which treaty bodies were concerned with TNCs.

The dialogue featured some responses phrased as answers to Mr Ruggie's questions. However, the ensuing discussion more generally referred to broad questions of liability and various Committee members' and Committees' interpretations of corporate responsibilities. Regarding the extent of the duty of States, Mr Walid Sa'di of the CESCR referred to the specific language CESCR uses of the duty to 'respect, protect and fulfil' human rights obligations. Mr Guibril Camara of CAT specified that in Article 1 of Convention against Torture, the 'person' who may commit acts of torture might be both physical persons and/or legal entities. Mr Francisco Alba of the Committee on Migrant Workers (CMW) cited cases in the USA where companies who employ migrant workers are directly responsible for violations, not the individuals. Another area of concern was the possible reach of the State in protecting corporations at the expense of human rights. Mr Prasad Kariyawasam of the CMW expressed his worry over the shifting of responsibilities from the public to the private sector, noting that some NGOs receive funding from corporations, compromising their independence and perhaps their credibility. The discussion concluded with Mr Ruggie calling for a study of the mechanisms involved in globalisation, as a way to study the corporate role in respecting human rights obligations. A more detailed account of this discussion is published on the ISHR website.⁷

Meeting with NGOs

The segment in which the Committee members interacted with NGO representatives focused on the need for an outcome of the treaty body reform process that maintained a similar level of NGO interaction. The

⁷ A more detailed summary is available at www.ishr.ch.

representative of International Women Rights Action Watch noted that any harmonisation between the various treaty bodies should not result in reduced opportunities for interaction of NGOs. Other concerns included the need for formal meetings between the committees and NGOs, and the need for integration of the issue of persecution on the basis of sexual orientation and gender identity into the work of the treaty bodies. Amnesty International also noted that NGOs and treaty bodies needed to be mindful of how their concluding observations and other outcomes could be utilised in the new UPR process, taking particular care to identify priority recommendations. The Committee members presented differing views regarding the input of NGOs, ranging from the need for more interaction with NGOs from developing countries, to the need for very specific and targeted information from NGOs. Mr de Gouttes of CERD added that although there was no specified interaction between the treaty bodies and NGOs, developments such as private meetings with national NGOs before the examination of the relevant country in public sessions represented progress in exchanges between treaty bodies and NGOs.

Meeting regarding the cooperation with National Human Rights Institutions

The ICM continued its work on 20 June by discussing harmonisation of working methods⁸ and the potential for increased cooperation between national human rights institutions (NHRIs) and treaty bodies. Such harmonisation was considered within the framework of the international roundtable held in Berlin in November 2006.⁹

The Chair of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) gave a short presentation to the ICM on the present interaction between NHRIs and treaty bodies. She underlined key roles of NHRIs in implementing international human rights standards, in reporting to the treaty bodies, and in follow-up to concluding observations. The representative of the German Institute for Human Rights then briefed the participants on the conclusions of the roundtable held in Berlin relating to the role of NHRIs in the treaty body process.¹⁰ She explained that not many NHRIs have entered into a systematic dialogue with treaty bodies and not all are familiar with the treaty body system. Three basic requests were submitted by the representative of the German Institute: the recognition of NHRIs as independent actors in the reporting process; the establishment of transparent communications with NHRIs during the reporting process and formal engagement of NHRIs' with treaty body processes, in accordance with the Paris Principles.¹¹ The outcome document of the Berlin roundtable was presented to the ICM for its approval.

The discussion highlighted the importance of NHRIs submitting reliable and independent information. Other areas of concern included the compliance of NHRIs with the Paris Principles and the role of national preventive mechanisms, and the financial independence of NHRIs. Certain Committee members expressed their disappointment regarding the responses of NHRIs when they had been asked by Committees to contribute to the reporting process. Others voiced their concerns regarding the request of some NHRIs for separate autonomous participation during the reporting process.

Committee members concluded that treaty bodies should continue their engagement with NHRIs that comply with the Paris Principles.¹² In addition, Committee members welcomed further dialogue with the Bureau of

⁸ HRI/MC/2007/2 and Add.1. Available at: <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

⁹ HRI/MC/2007/3, Provisional Agenda and Annotations. Available at: <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

¹⁰ The representative of the Danish Institute for Human Rights also emphasised the importance of collaboration with treaty bodies.

¹¹ Principles relating to the status and functioning of national institutions for protection and promotion of human rights (or the 'Paris Principles') are used to assess the independent role and functioning of national human rights institutions at the international level. Available at <http://www.unhchr.ch/html/menu6/2/fs19.htm#annex>

¹² A/RES/48/134, Annex. Available at: <http://www.ohchr.org/english/bodies/icm-mc/documents.htm>.

the International Coordinating Committee of National Human Rights Institutions to enhance and strengthen the interaction between NHRIs and treaty bodies.¹³

Interaction with the UN High Commissioner for Human Rights

Ms Louise Arbour, the UN High Commissioner for Human Rights, addressed the ICM before the afternoon break. She affirmed that she was very encouraged by their attitude on the work towards a unified treaty body system and added that the OHCHR would continue their support of the efforts of the ICM. She also discussed the developments at the Human Rights Council and the potential impact of the UPR on the work of the Inter-Committee, particularly that the mirror existence of the UPR in the Council will lead to the large increase in the ratification of human rights instruments and a rush in the process of reporting.

Committee members expressed some concerns regarding their interaction with the Council, particularly whether the work of treaty bodies should be based on the guidelines established by OHCHR or be influenced by the work of the Council. Ms Arbour responded that the UPR is still in its initial stages and many modalities remain to be addressed or played out. She called on the Committee members to support the Council in their continuing work and to address existing challenges collectively.

Adoption of the report

The afternoon session of Friday 20 June was devoted to the adoption of the report of the Inter-Committee meeting. The discussion that took place focused on the wording of recommendations. Most committee members supported the latest draft but certain changes were made at the request of the committee members. Among other things, members decided to emphasise the independence of NHRIs by including a reference to the Paris Principles; and agreed that they should be cautious in establishing the relationship of treaty bodies with the Council.

Several members agreed on the importance and urgency of adopting the report at the current session instead of postponing it to the next ICM. The Chair declared the session closed after the adoption of the report.

Meeting of the Chairpersons

The 19th Meeting of Chairpersons (MC), convened on 21 June 2007, brought together Chairpersons of eight treaty bodies to discuss the possibilities of improving and harmonising the working methods of the treaty bodies as a whole.

Interaction with former Council President Luis Alfonso de Alba

Mr Phillipe Texier of CESCR opened the meeting by welcoming former President of the Human Rights Council, Ambassador Luis Alfonso de Alba. The Chair said he was pleased to have a dialogue with the former President to hear his assessment of the work of the treaty bodies and their future relationship with the Council. Ambassador de Alba spoke mostly about the Universal Periodic Review (UPR) mechanism and how it would be complementary to the work done by the treaty bodies. He noted that the recommendations made during the course of the UPR would differ from those of the treaty bodies and other mechanisms, but that the scope and scale of the review would not lead to reinterpretation of recommendations made by the treaty

¹³ For a summary of the work of the ICC, see <http://www.nhri.net/default.asp?PID=85&DID=0>. A summary of the 19th session of the ICC is available at www.ishr.ch

bodies. Instead, the UPR would strengthen the recommendations made by other human rights mechanisms. Ambassador de Alba said that the Council's agreement on the UPR was a historic step forward.

The discussion that ensued exposed some committee members' fears that the UPR would compromise the rigour of the treaty bodies' concluding observations. Mr Rafael Posada of the HRC expressed this concern, saying that the possibility of the UPR opening up their recommendations to negotiation with States would run counter to the established methods of work of the treaty bodies. Mr Andreas Mavrommatis of CAT affirmed that there should be some vehicle for coordinating methodologies to account for different methods of work. Other committee members, however, noted that there would indeed be complementarity between the UPR process and the work of the treaty body committees. Mr Régis de Gouttes of CERD wanted to ensure that the treaty bodies retained their autonomy and also confirm that the UPR would be able to draw on the treaty bodies' information as one of their sources.

Ambassador de Alba concluded by indicating the challenges that lay ahead in the emerging relationship between the UPR and the treaty bodies. He reminded the committee members that the UPR was a political exercise, where certain kinds of obligations had no place. Furthermore, although the substantive work of the UPR and the treaty bodies remained the same or similar, the processes by which information is examined and conclusions are made were quite different. Ambassador de Alba said that the UPR guidelines for report writing still needed to be developed, and that there were opportunities for the committees to be involved, so that any concerns they had could be voiced to relevant parties. He concluded by stating that the UPR process presented more opportunities than challenges.

Joint meeting with special rapporteurs and the Chairpersons of the treaty bodies

The joint meeting of the 14th meeting of special rapporteur/representatives, experts and chairpersons of working groups of the special procedures with Chairpersons of the treaty bodies was co-chaired by Mr Texier for the Chairpersons of the treaty bodies and Ms McDougall for the special rapporteurs. It was devoted to the discussion of the UPR mechanism. Mr Mohamed Loulichki, the Facilitator of the Working Group on the UPR, presented background information on the UPR and listed concerns that might guide discussion, including what format the conclusions or output should be from the mechanism. He pointed out that the UPR was an evolving process, and reiterated that guidelines have not been set nor have questionnaires been designed. He concluded that the UPR would give back whatever was put in, suggesting that attempts to politicize the system would inhibit the goals of the mechanism, as well as those of the Council.

Ms McDougall commented that she was interested to see how the special procedures could make the best contribution to the process. Rapporteurs' comments touched on the complementarity of the work of special procedures, treaty bodies, and the UPR, but also took advantage of Mr Loulichki's presence to ask for clarifications or opinions on their possible relationships. Other concerns included the process of contributing information, which the rapporteurs noted would lead to a need for better communication. For example, Mr Philip Alston, the Special Rapporteur on extrajudicial, arbitrary, or summary executions, affirmed that an unexpected impetus might be at work in the process: the 20-page limit for states and 10-page limit for other actors would create the need for tailoring the information provided for maximum impact. Ms Lee of the Committee on the Rights of the Child also expressed concern about the page limitations. She reiterated that this created the need for close contact between those providing information. Mr Loulichki reaffirmed that communication and collaboration were indeed important, and that prioritizing for impact was a helpful approach. Mr Vitit Muntarbhorn, the Special Rapporteur on the situation of human rights in the DPRK, asserted that the UPR was a political response and not a substitute for other mechanisms and monitoring. He stated that problems in cooperation between States and treaty bodies should not be a pretext for non-implementation. Mr Loulichki was obligated to leave the meeting early, but several other Rapporteurs and committee members spoke afterwards. Mr Akich Okola, the Independent Expert on the situation of human rights in Burundi, expressed concern about how the quality of information submitted to the UPR could be

assessed as it would derive from such varying sources. Mr Miloon Kothari, the Special Rapporteur on the Right to Adequate Housing, pointed out that implementation of conclusions and recommendations was an area requiring serious attention, and hoped that the cooperation of States would allow for this.

Informal consultations with States Parties

In his opening remarks, the Chairperson, Mr Philippe Texier, talked about the main areas of concern in terms of the harmonisation of treaty body working methods and the adoption of a common core document applicable to reports submitted under all treaties. The relationship between treaty bodies and the Council was also considered, among other issues. Chairpersons of the respective treaty bodies and the representatives of state parties were given the floor to discuss their main concerns, which included promoting the broader ratification of treaties; timely submission of initial and periodic reports by States; the harmonisation of working methods; and the possibility of increasing the allocation of human and technical resources in order to increase the number of country visits. The representative from the CRC expressed concern regarding the necessity to follow up on the UN Study on Violence Against Children (2003).¹⁴

Many representatives who were present, including State parties, reiterated that integrated work between the States, the secretariat and the treaty bodies was vital to follow-up the concluding observations and individual complaints.¹⁵ Mr Kariyawasam, on behalf of the Committee on Migrant Workers, expressed the view that the treaty bodies as well as State parties can contribute to the UPR. The Chairpersons also raised specific concerns regarding the workload of the treaty bodies, follow up of individual complaints and the necessity of additional sessions for examining state reports. Several State parties made comments, which included the desire to have a clear reference in the text to NHRIs and intergovernmental regional bodies [Ethiopia]; encouragement on the common core document reform [Australia and the UK]; concerns over academically weak recommendations [the UK]; and concerns about avoiding duplication with the UPR.¹⁶

The Chairperson took the floor to respond to the concerns raised by State parties and the Committees. He thought it was still early to comment on how the work of treaty bodies should be coordinated with reference to the UPR. He further stated that there would be no duplication with the UPR as the work of treaty bodies is distinct. He emphasised that the concern about duplication is avoidable since they are harmonising their working methods to make them user-friendly for State parties. He called for mutual respect of one another's responsibilities. Mr Texier also stressed that logistical and financial challenges resulting from the UPR process should be dealt with collectively. They should continue discussing the idea of establishing a unified treaty body system, not only in terms of the efficiency of such a system, but also in terms of the logistics of how it would work. Additionally, the Chairperson explained that the core document represents an opportunity for the simplification and streamlining of state party reports.

Finally, the discussion turned to the different status of the CESCER in relation to other treaty bodies. Mr Texier explained that the specific legal status of CESCER was not a priority for them at this stage and that they have been operating as independently as other treaty bodies for more than 20 years. Some difficulties might arise regarding the adoption of the optional protocol, but the Committee members are ready to collaborate in this regard to ensure that there are no unnecessary difficulties.

Adoption of the report

On Friday, persons attending the meeting considered the recommendations of the sixth ICM and discussed a coordinated approach to the work of the treaty bodies. Most of the session was devoted to the adoption of the report. The discussion focused on the wording of the recommendations and this highlighted the difficulty in

¹⁴ For more information: <http://www.ohchr.org/english/bodies/crc/study.htm>.

¹⁵ Voiced by Mr de Gouttes (CERD) and Mr Rivas Posada (HRC).

¹⁶ Voiced by Canada, Mexico and China. Ethiopia and Libya called for more clarification regarding the measures to harmonise the work of the UPR with the Council.

reaching a mutual agreement as all Committee members wanted their own proposals to be taken into account. Important issues included the relationship of the treaty bodies with the Council, especially with regard to the UPR and the special procedures. On the latter, Ms Simonovic and Mr de Gouttes agreed on the differentiation between treaty bodies and special procedures and on the need for the exchange of information between them. The session was adjourned earlier than expected, and no meeting was convened in the afternoon.

Conclusion

The ICM and the MC presented the opportunity to continue discussions on the reform of treaty bodies and on the harmonisation of their working methods. Both meetings paved the way for further discussion on these issues.

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COMMENTS AND FURTHER INFORMATION

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