

HUMAN RIGHTS TREATIES DIVISION

NEWSLETTER No. 9

JULY -AUGUST - SEPTEMBER 2010

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MESSAGE FROM IBRAHIM SALAMA, DIRECTOR OF
HUMAN RIGHTS TREATIES DIVISION

STRENGTHENING OHCHR SUPPORT TO TREATY WORK



The HRTD Inter-Divisional retreat produced a wealth of ideas and recommendations on how to strengthen OHCHR support to treaty work.

The core objective and purpose of the UN human rights treaty bodies is the realization of human rights for all individuals at the national level. Their independent expert assessment and recommendations on measures that States parties need to take to this effect constitutes a central basis for the work of the Office of the High Commissioner for Human Rights (OHCHR) around the world. Having said this, the growth of the system poses challenges not only to the treaty bodies but also to the States Parties and to the Office. With a view to harmonizing its own working methods to better assist the treaty bodies, an inter-divisional retreat was held on 21 September 2010 to explore how the Office as a whole can further support the UN human rights treaty bodies at having an increased role and impact at country level.

Opened by the Deputy High Commissioner, Ms. Kyung-wha Kang, some 70 staff from all divisions of OHCHR Geneva – the

Field Operations and Technical Cooperation (FOTCD), Human Rights Council and Special Procedures Division (HRCSPD), Research and Right to Development Division (RRDD) and Human Rights Treaties Division (HRTD) – came together at the retreat to explore how to further institutionalize in-house cooperation on treaty body work and outputs. Discussions focused on the following aspects: (1) Dialogue with States parties; (2) Follow-up to concluding observations and decisions; (3) Petitions, the Subcommittee on Prevention of Torture (SPT) and inquiries; and (4) Thematic input, including General Comments. The rich exchange of ideas and joint recommendations will pave the way for the next steps in enhanced and synchronized OHCHR support to treaty work, including activities in the field. ■

INTERVIEW WITH VICTOR MANUEL RODRIGUEZ RESCIA CHAIRPERSON OF THE SUBCOMMITTEE ON PREVENTION OF TORTURE (OPCAT)

"Why is torture still practiced?"



In a year from now, SPT will have grown from one of the smallest (10 members) to the largest (25 members) of the nine UN human rights treaty bodies.¹ What are your expectations in this regard?

My expectation is that SPT will grow in quality more than in quantity. It is important to grow in quantity because we need more experts from different professional backgrounds and who represent different cultures. Currently, SPT represents largely a western vision of the world which makes it difficult to maintain a balance with regards to different visions of life and of justice. Representation of diverse cultures is very important in order to understand how to prevent torture in different parts of the world. At present, we only have members from Latin America and Europe, so we need representation from Africa, Asia and other regions. We also need more than lawyers, like social workers, medical doctors, psychologists, psychiatrists, and, why not, policemen. We need experts who are sensitive and have experience in working on torture prevention and with victim protection.

***"We need to open the soul
of the State,
to gain its confidence."***

¹ In accordance with article 5(1) of OPCAT, subsequent to the 50th ratification (by Switzerland in September 2009).

The quality of the new members, in particular their independence, engagement, and expertise in the topic of prevention of torture, will be critical. Gender diversity of members is important too. It is a shame, but today we only have one woman working with us. The main challenge for the forthcoming election of fifteen new members concerns States parties' internal processes for nominating candidate². It is important to have a transparent and inclusive process, open to candidates from civil society, including non-governmental organizations (NGOs). In total, we have five SPT members up for re-election plus fifteen more, and the current insufficient number of nominees is a serious challenge. In this regard, the Association for the Prevention of Torture (APT) and other members of the OPCAT Contact Group issued guidelines for nomination of new members based on the requirements established by OPCAT: geographical representation, quality, sensitiveness and so on.

The expansion of SPT will also increase the number of visits to States parties. Today, we conduct only three to four visits per year. These expectations presuppose that the Subcommittee has at its disposal new budgetary means and that we establish clear rules of procedures and working methods: In order to manage a session with twenty five members, we need new rules. So we need to anticipate these issues in the transition period.

SPT is a unique UN human rights body in its focus on prevention of human rights violations through a system of regular on-site visits by SPT and national preventive mechanisms to places where persons are or may be deprived of their liberty. Do you believe that this represents something close to a "paradigm shift" in the international human rights machinery, in particular the UN treaty bodies?

While SPT is not a unique organ preventing torture – the Committee against Torture (CAT) also has a mandate

² The election of the new SPT members will take place in Geneva on 28 October 2010 in the context of the third meeting of States parties to the OPCAT. See <http://www2.ohchr.org/english/bodies/cat/opcat/elections2010.htm>.

of prevention and protection – you are right, our main focus is prevention. Prevention is the cross-cutting and central vision, doctrine and methodology of our work. We are still learning what prevention of torture actually means in practice. To this effect, we are going beyond the theoretical definition of prevention to provide operative definitions of prevention, by identifying risks of torture; structural risks, normative risks, but also good practices. We convey this in our recommendations to States parties by making specific rather than generic recommendations.

OPCAT is a “new generation” treaty of the United Nations trying to focus on advising States parties through constructive dialogue, fact-finding and by making recommendations. We understand prevention as establishing a road map of risks of torture which identifies the main cultural and normative problems such as lack of training, public policies, plans and programmes of prevention. It also presents a momentum of change here inside the United Nations because I think the UN and regional organizations have to work more on prevention, complementing ex post facto methods of protection.

Do you believe that establishing such new methods of work is more difficult in the field of torture than in other areas of human rights?

Absolutely, because in our fact finding mission, we never file individual cases, it is not our competence. Rather, our work is more an institutional analysis of the problem of torture. We are trying to establish links. For example, if we identify, during a private interview, a specific allegation of torture, we never stop with a specific consequence but we try to answer why it has happened. The key question is why torture is committed as a practice, why a State has not changed cultural practices and attitudes. This is more difficult, because it has to do with sociological analysis.

Country visits stand at the core of SPT’s mandate. To undertake its fact-finding mandate, SPT is vested with significant powers: Access to any place where persons are or may be deprived of their liberty; unrestricted access to information; confidential face-to-face interviews. What methods have proved effective in overcoming obstacles in this regard and to gain the maximum cooperation of States parties?

OPCAT is a unique treaty in that it permits SPT to go to States parties and make unannounced visits without their acquiescence, we just notify the visit schedule. States parties also have the obligation to open files and jails. We need to open the soul of the State, to gain its confidence. Gaining confidence is not synonymous with being complacent; it means

establishing a dialogue with States, explaining our advisory mandate and the specificity of our mandate with those of other mechanisms and that we are an opportunity to the State by helping it to identify structural problems but also solutions. OPCAT is a very interesting and holistic treaty because it also establishes a Special Fund to assist in the implementation of the SPT recommendations in a specific State.

If the State understands this role of SPT, I think that States would even ask for our visits, because we establish a process. Our relationship with States never finishes with the report. Rather, the visit and report initiate a permanent relationship with the State because it has to establish a permanent national preventive mechanism (NPM) with which we need to establish links,



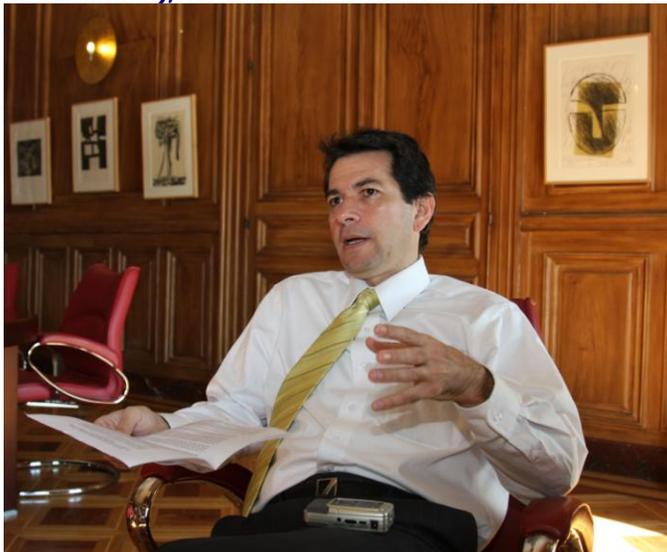
“We understand prevention as establishing a road map of risks of torture which identifies the main cultural and normative problems such as lack of training, public policies, plans and programmes of prevention.”

including training.³ NPMs submit annual reports to SPT and NPMs follow-up on our report and recommendations. This creates a completely different process in terms of working together with the State.

As is the case with all treaty bodies, SPT receives Secretariat support from OHCHR. Could you please

³ Under article 3 OPCAT, States parties are under an obligation to “set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism)”. Part IV of OPAC (articles 17-23) further outlines the powers of NPMs as well as the obligations of States parties to ensure their effective functioning, including independence and necessary resources.

describe the role played by OHCHR Headquarters as well as field offices, especially OHCHR field presences in countries that SPT has visited (Mexico, Cambodia and Lebanon), vis-à-vis the work of SPT?



Yes, we will not have any success without the help of the Office, and the SPT Secretariat in particular. Our Secretariat is composed of only four persons: the SPT Secretary and three other staff. It will be impossible to prepare for future visits with 25 persons travelling throughout the world, establishing confidence and links with the State through the Permanent Missions, with the current resources available. Of course, the Secretariat also provides technical support to SPT with excellent OHCHR staff in terms of knowledge, expertise, analysis, ethics and morals. I learn a lot from the Secretariat staff. We also benefit from local staff in the field and have absolutely positive experiences in Mexico, Cambodia, Lebanon and Bolivia. They have the feeling, the experience, the sensitivity. As Head of Mission, I always meet with them and they explain the security situation, the legal framework, everything about the country. Learning about sensitivities and about the culture and religion of the country, and what expressions and approaches are culturally appropriate during interviews, would also be good.

Does the presence of national preventive mechanisms (NPMs) make a difference to SPT visits?

Yes, absolutely. And our visit can also be useful for the process of creating a NPM. And if there is a NPM at this moment of the visit, of course we have a meeting and discuss the recommendations of the visit and so on. NPMs are our partners in States parties and it is our obligation under article 11 (b) of OPCAT to help and advise States in the creation of NPMs and to train and support NPMs once established.

"We need more than lawyers, like social workers, medical doctors, psychologists, psychiatrists, and, why not, policemen. ... Gender diversity of members is important too. It is a shame, but today we only have one woman working with us."

What are the criteria for an effective NPM?

The main problem has to do with lack of independence, lack of resources and lack of diversity of staff. Also, most NPMs have no medical doctors as staff, and most of the staff are lawyers. We never assume a specific model of these mechanisms, we ask just for the general requirements under OPCAT⁴. Most States parties that have established NPMs have decided to designate an already existing Ombudsperson in the country as NPM. It works, but it does not necessarily work well in all countries. It depends on the real politik of the country, resources, etc. There are today thirty-three NPMs, and out of which twenty-one are in Europe. In Latin America, only four States parties (Chile, Costa Rica, Honduras and Mexico) have established NPMs.

The principle of confidentiality imbues the work of SPT. Also, how is this principle as currently interpreted by the Subcommittee (sessions in camera and absence of summary records) reconcilable with the importance of greater visibility of SPT within the UN system and vis-à-vis civil society?



My personal point of view is that confidentiality is a good principle if it is applied strictly for the specific

⁴ SPT has developed preliminary guidelines for the establishment of national preventive mechanisms, with a view to facilitate the dialogue with NPMs in general. The first guideline states that "The mandate and powers of the NPM should be clearly and specifically established in national legislation as a constitutional or legislative text. The broad definition of places of deprivation of liberty as per OPCAT shall be reflected in that text." To read the guidelines, please see <http://www2.ohchr.org/english/bodies/cat/opcat/mechanisms.htm>

circumstances stated in OPCAT; i.e. the confidentiality of the report of a country visit – if the State decides so – and our relationship with national preventive mechanisms during the visit. We need to interpret confidentiality restrictively in favour of victims of torture.

Confidentiality is not secrecy. But confidentiality is important for States in terms of maintaining confidence in our work during visits, the report and so on. But the idea is to convince the State to make the report public. We are very happy that after eight visits, already five States have made public the report: Honduras, Maldives, Mexico, Paraguay and Sweden. A decision of the State to make the report public gives it the possibility to fulfill the recommendations with the help of national and international human rights mechanisms and through international cooperation. The day that the reports are made public, the State will be able to access funding to implement our recommendations. Also, publishing the report helps other countries to understand and cooperate with exact the same problems. So confidentiality must be the exception, not the rule.

Would you like to share a few thoughts on confidentiality in terms of sharing information with CAT?

Yes, we have discussed how to improve cooperation. There are different ways: For example, if we have information about a specific torture case then we submit, confidentially, this information to OHCHR's Petitions Section for consideration by the relevant committee, most probably CAT. We also share specific confidential information with the country rapporteurs of CAT when a State party that we have visited is scheduled for consideration by the Committee. In addition, if CAT would decide to visit a country under article 20 (allegations of systematic torture) that SPT has visited, we provide information to CAT. Also, internal information prepared by the SPT Secretariat prior to country visits is shared with CAT if they are examining the State party in question.

The joint briefing last October before the General Assembly by you, CAT Chairperson and the Special Rapporteur on Torture has been described as "historic". Could you please explain why and how you envisage this important dialogue between UN human rights mechanisms and States to further develop?

It was an excellent experience. This was the first time that the three mechanisms for the prevention and prohibition of torture had the opportunity to jointly present their respective annual reports and activities to the General Assembly. To brief Member States in New York presents a political opportunity which is very different from Geneva because of its universal

representation. It presents an opportunity for Ambassadors to learn about SPT, how it differs from other mechanisms and how we cooperate and seek to improve in order to support States in torture prevention. The importance of the meeting was also demonstrated in that in its resolution on torture [A/RES/64/153], tabled by the Government of Denmark and other States parties, and which addresses torture prevention, the General Assembly stressed inter alia the particular support required for SPT, CAT and the Special Rapporteur on the matter. So maintaining a political discussion in New York is critical, because torture has not disappeared in the whole world. ■



Secretary of SPT, Patrice Gillibert (OHCHR) with SPT Chairperson, Mr. Rodriguez Rescia. © OHCHR/Danielle Kirby

- ❖ Learn more about the SPT and the OPCAT at: <http://www2.ohchr.org/english/bodies/cat/opcat/index.htm>
- ❖ Related HRTD articles: See interview with Mr. Claudio Grossman, Chairperson of the Committee against Torture, in *HRTD Newsletter No. 8* (April – June 2010).

BRUSSELS

UN TREATY BODIES MEET WITH EUROPEAN COUNTERPARTS ANNUAL MEETING OF CHAIRPERSONS HELD OUTSIDE GENEVA FOR THE FIRST TIME



Chairpersons of UN human rights treaty bodies discuss human rights challenges in Europe and beyond with European counterparts in Bibliothèque Solvay in Brussels. © Regional Office for Europe

On 1-2 July 2010, the nine Chairpersons of the UN human rights treaty bodies⁵ met for the very first time in Brussels to discuss how to increase cooperation to tackle human rights challenges inside and outside Europe with European Union officials, the Council of Europe and the European Court for Human Rights and European NGOs and academics. This was the first time that the annual meeting of Chairpersons of treaty bodies⁶ was held outside Geneva: A new development which was both welcomed and encouraged by Chairpersons as well as by their European interlocutors.

⁵ See below a list of [current chairpersons](#) of treaty bodies who attended the annual meeting.

⁶ See enclosed [Background Note](#) on INTERCOMMITTEE MEETINGS and MEETING OF CHAIRPERSONS OF UN HUMAN RIGHTS TREATY BODIES.

During the two-day meeting, migration, discrimination (including against the Roma), and impunity were highlighted by participants as some of the key human rights challenges facing Europe today. In this context, Chairpersons and representatives of civil society⁷ vividly encouraged the European Union Member States to accede to the only core international human rights treaty that none of them has ratified, nor signed, yet: The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). "Many of the European Union Member States are already implementing the Convention in practice. If they ratified the Convention too, that would send a very strong signal to the neighboring States who still don't – all of whom, however, depend on migrant workers and their colossal contributions to the economy of Europe," said Abdelhamid El Jamri, Chairperson of the Committee on Migrant Workers. Currently, 43 States have acceded to the Convention.

EU ratification of CRPD setting an important precedent...

Recalling the increasing trend of delegating powers from State to the EU level, representatives of civil society highlighted the critical role of treaty bodies in reminding EU Member States of their international human rights obligations, and thus called for a sustained campaign calling for the ratification of the Convention. In this context of acceding to the international human rights conventions, treaty body chairpersons welcomed the historical decision of the EU to sign, in March 2007, the Convention on the Rights of Persons with Disabilities. The Convention is the first core international human rights treaty which expressly provides for the possibility of regional integration organizations to accede to the treaty.⁸ "The upcoming ratification by the European



Mr. Abdelhamid El Jamri, Chairperson of the Committee on Migrant Workers, at the Annual Meeting of Chairpersons in Brussels
© Regional Office for Europe

Union of the Convention on the Rights of Persons with Disabilities sets a precedent for regional organizations all over the world, and is solid proof of the increased commitment of the European Union to human rights", said Ronald McCallum, Chair of the Committee on the Rights of Persons with Disabilities at a high-level round-table discussion with top representatives of several European institutions. Participants at this meeting included the Vice President of the European Parliament, Mr. Edward McMillan Scott, as well as top officials of the European Commission, the Deputy Registrar of the European Court for Human Rights, the Chair of the European Parliament's Subcommittee on Human Rights and the Director of the Fundamental Rights Agency of the European Union in Vienna.

... and may increase reference to treaty bodies

by European institutions

Mr. McCallum's words were echoed by many participants, who also referred to the fact that the European Union's new Lisbon Treaty gives human rights a much more prominent role within the European Union. Following the entry into force of the treaty in December 2009, the EU Charter of Fundamental Rights is binding upon all EU member states. Participants observed that this development, together with the forthcoming ratification by the EU of CRPD as well as of the European Convention on Human Rights, may lead to increased references to treaty body recommendations by, for instance, the European Court of Justice. The need for coherence between the European Union's internal efforts to promote human rights and its actions outside Europe was also intensely discussed, and best practices in that regard were shared among the participants.

Discussing enhanced interaction with the European Court of Human Rights and FRA

During the second day, Chairpersons exchanged experiences and views with representatives of the European Court for Human Rights. Issues discussed included the jurisprudence of the treaty bodies and the European Court relating to the European Union and its actions, how to deal with the increasing backlog of cases, and how to ensure consistency in the international human rights

⁷ See footnote 1 in the advance unedited version of the report of the Chairpersons of human rights treaty bodies on their twenty-second meeting, UN Doc. A/65/190, available at <http://www2.ohchr.org/english/bodies/treaty/index.htm>

⁸ See article 42, CRPD – Signature: The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.



OHCHR staff and Ms. Yanghee Lee, Chairperson and Rapporteur of the Annual Meeting of Chairpersons (second from right). © Regional Office for Europe

mechanisms' interpretation of similar human rights standards as well as the importance of cross-references.

The Deputy Registrar of the Court underlined that the Court's Grand Chamber, when deciding cases, often consult pronouncements made by treaty bodies, including views on individual cases and general comment⁹. In this vein, regular contacts between the universal and regional systems were recommended. The Chairperson of the Human

Rights Committee pointed at the approximately one hundred individual cases examined by the Committee each year, and referred to *Sayadi and Vinck v. Belgium* (No. 1472/2006) where the Committee and the European Court of Justice had reached similar conclusion¹⁰. This exemplified how international human rights law can influence European law.

The nine Chairpersons also met separately with the Fundamental Rights Agency of the European Union (FRA)¹¹ and identified several ways in which the treaty bodies and the Agency can make increasing use of each others' work and reports on issues such as discrimination, violence against women and the rights of persons with disabilities. The meeting agreed that existing interaction between FRA and treaty bodies could

be further strengthened, including, for instance, by including a chapter on relevant EU legislation by which Member States are bound in FRA's country reports to the treaty bodies in the context of country examination.

Reaching out regionally

In conclusion, all Chairpersons greatly welcomed this possibility to interact for the first time with human rights experts at regional level in the context of their annual meeting, and recommended that they meet every other year at regional level with the objective to bring human rights treaty bodies closer to the implementation

level.¹² Expressing their wish to see its cooperation with counterparts in Europe further strengthened, a number of

CURRENT CHAIRPERSONS OF TREATY BODIES

Committee on Economic, Social and Cultural Rights	Jaime Marchán Romero
Human Rights Committee	Yuji Iwasawa
Committee on the Rights of the Child	Yanghee Lee
Committee on Migrant Workers	Abdelhamid El-Jamri
Committee against Torture	Claudio Grossman
Committee on the Elimination of Discrimination Against Women	Naéla Gabr
Committee on the Elimination of Racial Discrimination	Anwar Kemal
Committee on the Rights of Persons with Disabilities	Ronald Clive McCallum
Subcommittee on Prevention of Torture	Victor Manuel Rodríguez Rescia

recommendations were also adopted to this aim, including encouraging cooperation between United Nations human rights treaty bodies and the European Court of Human Rights on matters related to procedure, methods of work and jurisprudence. ■

TO READ AND LEARN MORE

For further reading, please see *Report of Chairpersons of the human rights treaty bodies on their twenty-second meeting* (UN Doc. [A/65/290](#), 6 August 2010).

See also the webpage of the Annual Meeting of Chairpersons of Human Rights Treaty Bodies and Inter-Committee Meeting at <http://www2.ohchr.org/english/bodies/icm-mc/index.htm>

⁹ See, for instance, the case of *Sejdić and Finci v. Bosnia and Herzegovina*, 22 December 2009, described in HRTD Newsletter No. 7 (January – March 2010), pp. 20-21.

¹⁰ To read the case, see <http://daccess-dds-ny.un.org/doc/UNDOC/DER/G09/400/83/PDF/G0940083.pdf?OpenElement> or UN Document No. CCPR/C/94/D/1472/2006, 29 December 2008.

¹¹ See http://fra.europa.eu/fraWebsite/home/home_en.htm.

¹² To read the recommendations adopted at the 22nd meeting of Chairpersons, please see *Report of Chairpersons of the human rights treaty bodies on their twenty-second meeting*, UN Doc. [A/65/190](#), 6 August 2010, section VII (paras. 23-34).

TREATY BODIES IN DIALOGUE WITH STATES PARTIES: FOCUS ON LOIPR, HARMONIZATION, AND UPR IN ANNUAL INFORMAL CONSULTATIONS



The informal consultations with States parties were held in the Room of Alliance of Civilizations in Palais des Nations, Geneva © OHCHR/Danielle Kirby

In the context of the eleventh Inter-Committee Meeting (ICM) held in Geneva from 28 to 30 June 2010, members of treaty bodies held informal consultations with States parties on 29 June.¹³ The meeting was well attended, with representatives of 51 States parties present in the Room of Alliance of Civilizations at Palais des Nations. The interaction focused on list of issues prior to reporting (LOIPR), the importance of harmonizing treaty body work, the interrelationship between treaty body recommendations and the Universal Periodic Review (UPR), the constructive dialogue and concluding observations, and treaty bodies' engagement with civil society.

¹³ The following States parties registered at the informal consultations: Austria, Australia, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chad, Chile, China, Costa Rica, Côte d'Ivoire, Egypt, Germany, Guatemala, Finland, Haiti, Honduras, Hungary, Italy, Iran, Japan, Jordan, Laos, Mauritius, Mexico, Monaco, Morocco, Nepal, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saudi Arabia, Singapore, South Africa, Spain, Sudan, Sri Lanka, Sweden, Timor-Leste, United Kingdom, Uruguay, and Yemen.

In introducing the consultation, the nine Chairpersons outlined recent developments and new working methods in their respective committee and noted some innovative approaches towards the strengthening of the treaty body system. In this regard, the procedure of lists of issues prior to reporting adopted by the Committee against Torture (CAT) and the Human Rights Committee (HR Committee) was highlighted. The Chairperson of CAT shared the Committee's experience with this new procedure, underlining its optional nature and the importance of undertaking an evaluation after the current pilot phase is concluded. Similarly, the Chairperson of the Human Rights Committee announced that it had adopted the procedure in October 2009 and emphasized the benefits of the procedure, including reduced reporting burden and guidance to States. In view of the increase in work load that the procedure presents in this initial phase to the Secretariat, however, support from States parties was called upon. Other Chairpersons addressed the advantages and risks of using

at the centre of the human rights protection system. Twenty States parties – Algeria, Austria, Brazil, Canada, Chile, China, Egypt, Finland, France, Japan, Jordan, Nigeria (on behalf of the African Group), Norway, Pakistan, Portugal, Republic of Korea, South Africa, Switzerland, the United Kingdom and the USA – took the floor during the consultation. Below follows a short, by no means exhaustive, account of the discussion of each of the main topics of interest.

LIST OF ISSUES PRIOR TO REPORTING (LOIPR): Several States referred to the advantages of using LOIPR and noted that this procedure could contribute to reducing the reporting

bodies to request, from time to time, a comprehensive report from States parties, covering all the provisions of a treaty, so as to overcome concerns relating to restricting the contents of report through focused list of issues. While Austria, Chile, Egypt, Jordan, Norway and Switzerland also welcomed the new procedure, Austria and Jordan were of the view that further substantive reflection and assessment is needed. Similarly, Egypt underlined the need to await the November 2010 session of CAT for an assessment and Pakistan noted that it was premature at this moment in time to evaluate the effectiveness of LOIPR. Other remarks related to the importance of ensuring input from civil society and national human rights institutions prior to the finalization of the LOIPR and of not limiting the ability of State parties to share its



Ms. Yanghee Lee, Chairperson of the Committee on the Rights of the Child and Chairperson of the ICM, guides the discussion at the podium, Mr. Ibrahim Salama, Director of Human Rights Treaties Division, Mr. Jaime Marchan Romero, Chairperson of the Committee on the Economic, Social and Cultural Rights.

© OHCHR/Danielle Kirby

LOIPRs, underlining the importance of receiving feedback through informal consultations with States parties and the need to ensure coherence of the treaty body system without losing specificity. The Chairperson of the Committee on the Elimination of Racial Discrimination (CERD) informed States parties about the new practice of "list of themes" introduced by the Committee this year.

States welcomed the opportunity to engage in consultations with the Chairpersons, noting that these provided a platform for dialogue and interaction, and reiterated their support for the work of the treaty bodies. Chile referred to the treaty bodies as being

burden, achieving more targeted reports of better quality, facilitating the dialogue with treaty bodies and make best use of limited resources. Brazil, Canada, Chile, Finland, Japan, Portugal, the United Kingdom, and the United States of America, among others, expressed support for this new reporting procedure. Finland and the USA informed that they will avail themselves of LOIPR and the United Kingdom encouraged other treaty bodies to learn from the experiences of CAT and the HR Committee and to follow their example. Chile also expressed the hope that the procedure would be considered by other treaty bodies. Canada recalled the possibility of treaty

best practices.

HARMONIZATION OF WORKING METHODS:

States encouraged harmonization of treaty bodies' working methods and supported strengthened cooperation between the committees. In this respect, Canada referred to an increasingly overburdened treaty body system and expressed support for the High Commissioner's call for reflection on treaty body strengthening as well as for the Dublin and Marrakesh statements. A few States parties stressed that strengthening treaty bodies should not undermine their independence while some States also underlined that harmonization should not interfere with the specificity of the various

treaty bodies. A number of States, including Jordan and the Republic of Korea, mentioned the need to ensure more coordinated and focused follow-up procedures and highlighted the need for more resources and enhanced State cooperation in addition to harmonizing such procedures. Other issues referred to in relation to harmonization of working methods were coordinated reporting schedules, reduction of overlap and consistency in interpretation, list of issues, and common core documents.

HUMAN RIGHTS COUNCIL AND

UPR: With regard to the UPR procedure, a number of States underlined the need to ensure consistency between treaty body and UPR recommendations. Canada noted that this may be facilitated through enhanced participation of treaty bodies in the UPR process and encouraged treaty bodies to consider how this could be done. Some States, including South Africa, while acknowledging the complementarity of the treaty bodies and the UPR, indicated that both mechanisms are of a different nature and should therefore be kept separate. Japan was of the view that UPR recommendations should systematically be considered in the formulation of LOIs, including LOIPRs. While emphasizing the importance of treaty bodies' independence, Japan underlined



A State party delegate talking with Mr. Yuji Iwasawa, Chairperson of Human Rights Committee. © OHCHR/Danielle Kirby

the importance of meaningful cooperation between the Human Rights Council and the treaty bodies. One way to enhance such cooperation, Japan

suggested, would be to invite the President of the Council to the ICM.

CONCLUDING OBSERVATIONS, DIALOGUE AND COMPLAINTS:

In relation to the examination of States parties and concluding observations, several States parties opined that treaty bodies need to take account of the



A State party delegate taking the floor during the consultations. © OHCHR/Danielle Kirby

obligations that States parties have entered into upon ratification of the instruments and underlined that concluding observations should reflect and address the answers provided by the State party during the dialogue with the treaty body. In this respect, Nigeria, speaking on behalf of the African Group, recommended that treaty bodies review their current methodologies, including by considering whether arguments presented by the State party could be included as a prelude to the concluding observations. Algeria called upon the treaty bodies to engage in a deep reflection on the methodology of adopting concluding observations. China underscored that concluding observations should objectively reflect the human rights situation in States parties. The importance of allocating sufficient time for States to be able to provide information to questions raised by committee members during the examination was stressed by Norway.

GENERAL COMMENTS: Several States supported the practice of joint general comments: Finland and Switzerland welcomed the initiative of CRC and CEDAW to draft a joint general comment (on harmful traditional practices), with Finland referring to the project as a holistic approach to human rights. Egypt expressed concern with regard

to the introduction of controversial issues which do not fall within universally agreed human rights obligations in general comments. USA cautioned that joint general comments could shift the use of available resources and create confusion for States parties that are not States parties to treaties in question.

CIVIL SOCIETY: Some States highlighted the importance of interaction with civil society in order to guarantee the quality of the dialogue with the State party. A number of States stressed that that treaty bodies should only take credible and reliable information into account. ■

TO READ AND LEARN MORE

For more information, please see also the section on Informal consultations with States parties in the Report of the eleventh inter-committee meeting of human rights treaty bodies (UN Doc. A/65/190 ANNEX II paras 32-39).

BACKGROUND:

INTERCOMMITTEE MEETING AND MEETING OF CHAIRPERSONS OF UN HUMAN RIGHTS TREATY BODIES

- ❖ The first Inter-Committee Meeting (ICM), which currently includes the Chairpersons and one additional member from each treaty body, was held in Geneva in 2002. Harmonization of working methods of treaty bodies was the main focus of this meeting and has remained a central agenda item of subsequent ICMs ever since.
- ❖ Since 2008, the ICM has convened twice a year. The last two meetings were held on 30 November – 2 December 2009 (tenth ICM) and on 28-30 June 2010 (eleventh ICM) and their respective reports are available in the Report of the Chairpersons of the human rights treaty bodies on their twenty-second meeting (UN Doc. A/64/276, 6 August 2010).
- ❖ The most recent ICM (eleventh ICM, 28-30 June 2010) focused on the preparation and analysis as a basis for lists of issues, including LOIPRs, and general measures relating to the harmonization of working methods (incl. length of States parties' reports and of concluding observations). It also held informal consultations with States parties, a joint meeting with mandate-holders of special procedures, and met with the Chair of the International Coordinating Committee of National Institutions.
- ❖ The first meeting of Chairpersons was held in 1984 subsequent to a call by the General Assembly in 1983 on the chairpersons of human rights treaty bodies to meet in order to discuss how to enhance the work of the treaty bodies. Since 1995, the chairpersons of human rights treaty bodies have met annually, and normally coincide with the holding of the ICM.
- ❖ The ICM and meeting of chairpersons are usually chaired by the same person, who is one of the chairpersons of the human rights treaty bodies chosen on a rotational basis. In 2010, Ms. Yanghee Lee, Chairperson of the Committee on the Rights of the Child, chaired both the ICM and the annual meeting of Chairpersons.
- ❖ At this year's annual meeting of Chairpersons, held for the first time outside Geneva (see article on the meeting in BRUSSELS), it was recommended that in the future it meets every other year at regional level.

SUCCESSFUL IMPLEMENTATION OF TREATY BODIES DECISIONS:

William Lecraft v. Spain and Njamba and Balikosa v. Sweden

The individual complaints procedure of the treaty bodies plays a critical role in ensuring that States parties respect, protect and fulfil the rights enshrined in the core international human rights treaties. By providing alleged victims of human rights violation the opportunity to have their case examined by international bodies – after all domestic remedies have been exhausted – it holds a central place in the international human rights protection system. The HRTD Newsletter reports regularly on important developments in the jurisprudence of the treaty bodies. In this issue, two recent cases where States parties have implemented the decisions adopted by two committees mandated to examine individual communications are highlighted¹⁴: *William Lecraft v. Spain* of the Human Rights Committee¹⁵ and *Njamba and Balikosa v. Sweden* of the Committee against Torture.¹⁶

In *William Lecraft v. Spain*, the author, a Spanish citizen, alleged to have been a victim of direct racial discrimination after being singled out by the police for an identity check, carried out for purposes of illegal immigration control in Spain. The Human Rights Committee found a violation of article 26, in conjunction with article 2, of the International Covenant on Civil and Political Rights as, contrary to the domestic courts, it considered that the author had been singled out solely on the ground of her racial characteristics. The Committee requested Spain in a decision of 27 July 2009 to provide the author with an effective remedy, including a public apology. In January 2010, Spain informed the Committee that the Minister of Foreign Affairs and Deputy Minister of Interior had met with William Lecraft and offered her oral and written apologies. Also, the text of the Committee's decision had been included in the Information Bulletin of the Ministry of Justice, a public journal for general distribution, and had been sent to all main judicial bodies, the General Attorney's office and the Ministry of Interior. The Deputy Minister of Interior explained the measures taken by the Ministry to ensure that police officers do not commit acts of racial discrimination in the future.

Njamba and Balikosa v. Sweden concerned a woman and her daughter from the Democratic Republic

of the Congo (DRC) who sought asylum in Sweden due to the involvement of their family members in rebel activities and who faced persecution by Congolese militia. They claimed that they would be victims of torture if they were deported to the DRC. The Committee against Torture concluded in a decision of 14 May 2010 that, on a balance of all factors of the case and assessing legal consequences, deportation of the complainants would amount to a breach of article 3 of the Convention. In July 2010, Sweden informed the Committee against Torture that the State party decided to grant Eveline Njamba and Kathy Balikosa permanent residence permits in Sweden.

These two cases illustrate how treaty bodies can make a difference in the lives of individuals. While the process from submission of a case to the implementation of a decision may at times be long, they prove that individual rights can be upheld and protected through treaty body mechanisms. ■

TO READ AND LEARN MORE

- ❖ To read the full text of *William Lecraft v. Spain*, please see UN Doc. CCPR/C/96/D/1493/2006, or search the database of the Netherlands Human Rights Institute (SIM) : <http://sim.law.uu.nl/SIM/CaseLaw/CCPRcase.nsf/4efdbe13073fc6b7c12567b70044cc04/73f7206eae0b9aa4c12577120033be4d?OpenDocument>
- ❖ The full text of *Njamba and Balikosa v. Sweden* will be available in the Annual Report of the Committee against Torture (2010), UN Doc. A/65/44 (2010).
- ❖ Jurisprudence of UN treaty bodies can be searched at: <http://www2.ohchr.org/english/bodies/complaints.htm>

¹⁴ See Facts on the individual complaints procedure below for other treaty bodies empowered to receive and consider individual communications.

¹⁵ See Human Rights Committee, Communication No. 1493/2006.

¹⁶ See Committee against Torture, Communication No. 322/2007.

UN TREATY BODIES AND THE INDIVIDUAL COMPLAINTS PROCEDURE

Today, five treaty bodies (CAT, CEDAW, CERD, CRPD, and the Human Rights Committee) have competence to receive individual complaints as provided for under their respective treaty. Two additional committees, CESCR and CMW, will be able to examine communications upon the entry into force of the Optional Protocol to ICESCR¹⁷ and once the required number of declarations has been made under article 77 of the ICRMW, respectively.¹⁸ The Committee on Enforced Disappearances (CED), once operational, will also have the mandate to receive individual complaints. With respect to the Committee on the Rights of the Child, negotiations are underway to provide for an individual complaints mechanism under the Convention on the Rights of the Child by means of a third Optional Protocol to the Convention.¹⁹

	CRC	CEDA W	HRC	CERD	CESCR	CAT	CRPD	CMW	CED	TOTAL
Individual complaints procedure	OP in draft	OP	OP	Art. 14	OP (entry into force upon 10 th ratification)	Art. 22	OP	Art. 77 (entry into force upon declaration by 10 States parties)	Art. 31 (entry into force simultaneously with the treaty)	
Individual complaints examined per session (average)		2	30	2		10				44
Individual complaints pending (as of Aug 2010)		8	412	4		100	2			526

- ❖ *To read more about the individual complaints procedures under UN treaty bodies, please see Fact sheet No. 7, available at: <http://www.ohchr.org/Documents/Publications/FactSheet7Rev.1en.pdf>*
- ❖ *To learn more about the procedures for submitting a communication to a specific treaty body, please see: <http://www2.ohchr.org/english/bodies/complaints.htm>*

¹⁷ Upon the tenth ratification of the Optional Protocol to ICESCR which to date have two States parties (Ecuador and Mongolia).

¹⁸ Upon 10 declarations. see article 77(8) of the ICRMW.

¹⁹ The 13th session (March 2010) of the Human Rights Council mandated the Open-ended Working Group to elaborate an optional protocol to the Convention on the rights of the child. The second session of the Working Group will be held in December 2010. For more information, including the proposal for a draft Optional Protocol, see <http://www2.ohchr.org/english/bodies/hrcouncil/OEWG/2ndsession.htm>.

UPR REINFORCING COMMITMENT TO TREATY BODY REPORTING: THE CASE OF BAHRAIN



Participant of the Bahrain workshop reporting back in plenary on a group exercise.

On 2-3 June 2010, OHCHR Headquarters in Geneva (Human Rights Treaties Division) and OHCHR Regional Office in Lebanon conducted a workshop on treaty body reporting for State officials in Bahrain. The workshop, aimed at strengthening capacities to ensure timely reporting to the human rights treaty bodies, was organized in response to recommendations and commitments emanating from the Universal Period Review (UPR). As such, the training provided an example of how the UPR and the human rights treaty monitoring system can be mutually reinforcing. It also underlines how the involvement of United Nations partners with a strong country presence can be instrumental in making optimal use of both of these key United Nations human rights monitoring mechanisms.

The training workshop, which was the first workshop on reporting to the treaty bodies to be organized in Bahrain, was part of a joint project between UNDP and the Government of Bahrain on "Supporting Implementation of Bahrain's Universal Periodic Review Action Plan", covering the period between the country's first and second UPR reports (2008-2012). In particular, the workshop aimed to support the implementation of Bahrain's voluntary commitments to strengthen its capacities in order to ensure: (1) effective implementation of its obligations under the human rights treaties; (2) the timely submission of reports under these treaties; and (3) follow up to the concluding observations of the human rights treaty bodies.

Bahrain was the first country to be considered under the UPR. It seized that opportunity to make a series of commitments to strengthen the protection of human rights, taking into account previous

recommendations made by human rights treaty bodies. Efforts were made to prepare the UPR report through an open consultative process. After the UPR review, a National Human Rights Action Plan was developed and a National Committee set up for implementing UPR recommendations and voluntary pledges. Several recommendations and pledges specifically relate to Bahrain's engagement with the United Nations human rights treaty bodies and system, including a commitment to study the ratification of human rights treaties not yet ratified by Bahrain. By way of example, the National Human Rights Action Plan states that:

"Studies, with a view to ratification and/or national legislative incorporation will focus on:

- Human rights treaties such as the Migrant Workers Convention whose ratification has been recommended to Bahrain by several treaty bodies;
- Other unratified human rights treaties such as the Conventions on Disability and on Disappeared Persons; (...)
- Optional Protocol Provisions and declarations under treaties already ratified such as:
 - Articles 21 and 22 of the Convention Against Torture (CAT) and
 - Article 14 of the Convention on the Elimination of Racial Discrimination (CERD);
- National legislative incorporating treaty definitions of concepts such as "torture" and "racial discrimination", as has been recommended to Bahrain by the respective human rights treaty bodies."

Early on in the process, Bahrain reached out to international partners and UNDP-Bahrain was actively involved in ensuring a transparent and participatory UPR process, including through sponsoring the participation of NGOs in the UPR meetings in Geneva. The joint Bahrain-UNDP project on "Supporting Implementation of Bahrain's Universal Periodic Review Action Plan" continues this collaborative effort.

At the opening of the June workshop on treaty body reporting treaty reporting, the Minister of State for Foreign Affairs, H.E. Dr. Nizar al Baharna, and the United Nations Resident Coordinator, Mr. Sayed Aqa, both underlined the importance of treaty body reporting as a central pillar in efforts to strengthen human rights protection. Mr. Aqa also, on his part, underlined how the cooperation between OHCHR and UNDP showed how the UN system works together as one in its support to States to enhance respect for human rights. ■

SÉMINAIRE DE RENFORCEMENT DES CAPACITÉS EN RDC

Du 10 au 12 août 2010, le Bureau Conjoint des Nations Unies aux Droits de l'Homme (BCNUDH, HCDH-MONUSCO) à Kinshasa a organisé avec le concours du Ministère de la Justice et Droits Humains un séminaire de renforcement des capacités destiné aux membres du Comité Interministériel des Droits de l'Homme (CIDH) dans l'élaboration des rapports initiaux et périodiques des droits de l'homme en République démocratique du Congo (RDC).

LE COMITÉ INTERMINISTÉRIEL DES DROITS DE L'HOMME DE LA RDC

Ce Comité a reçu, entre autres, le mandat de préparer et rédiger tous les rapports initiaux et périodiques requis en vertu des traités internationaux et régionaux des droits de l'homme auxquels la RDC est partie²⁰ et d'assurer le suivi et l'évaluation de l'application de ces traités, ainsi que des recommandations des organes des traités. Depuis sa création le 13 décembre 2001²¹, ce Comité Interministériel a permis de résorber la quasi-totalité du retard accumulé dans la présentation des rapports dus aux organes des traités.

La formation, qui a été demandée par le Ministère de la Justice et Droits Humains, a porté sur les notions générales sur les droits de l'homme, les organes des traités, et les techniques et méthodes d'élaboration des rapports initiaux et périodiques dus aux organes des traités. Par la suite, des appuis techniques en particulier seront apportés pour la rédaction de certains rapports selon la nécessité. Etant donné que 25 des 34 membres du Comité sont des nouveaux membres, il a été jugé opportun d'introduire la formation par un exposé expliquant le système des Nations Unies et les mécanismes de promotion et protection des droits de l'homme. Le deuxième jour a été consacré aux méthodes de collecte des données et d'élaboration des rapports ainsi qu'aux types de rapport à préparer. Pendant la troisième journée de la formation, les membres du Comité ont harmonisé le document de base de la RDC. Les intervenants ont été sélectionnés au sein du Ministère de la Justice et Droits de l'Homme, du BCNUDH et du bureau du HCDH à New York.

PARTICIPATION MULTISECTORIELLE : DE LA DÉFENSE NATIONALE A L'ENVIRONNEMENT

Les participants à la formation – tous membres du Comité Interministériel – étaient des représentants des ministères de la Justice et Droits humains, de la Défense nationale, de l'Intérieur et Sécurité, des Affaires sociales, de l'Enseignement supérieur et universitaire, des Affaires étrangères, du Travail et Emploi, du Genre, Famille et Enfant, de la Communication et Médias, de la Fonction publique, des Anciens combattants, des Relations avec le Parlement, des Affaires foncières, de l'Environnement, du Budget, des Finances et de la Santé. Au total 37 personnes, dont cinq femmes, ont participé à la formation.

RÉSULTATS OBTENUS ET RECOMMANDATIONS POUR L'AVENIR

A l'issue de trois jours d'intenses activités, les participants ont identifié les résultats ci-après comme obtenus:

- (i) Une vision et une compréhension communes sur les termes opératoires de la promotion et de la protection des droits de l'homme ont été dégagées;
- (ii) Les capacités des membres du Comité Interministériel des Droits de l'Homme ont été renforcées en matière des droits de l'homme; et
- (iii) Le document de base contenant les renseignements généraux relatifs au pays a été révisé et actualisé.

A la fin des travaux, les participants ont formulé des recommandations spécifiques:

Au Gouvernement de la RDC

1. Intensifier les opérations de collecte des données tant à Kinshasa qu'à l'intérieur sur l'évolution des droits de l'homme;
2. Mener un plaidoyer auprès des principaux bailleurs de fonds en vue de soutenir les activités du Comité interministériel.

Aux organismes du Système des Nations Unies :

1. Accompagner les activités du Comité Interministériel des droits de l'Homme par des appuis technique et financier.

Aux Membres du Comité Interministériel :

1. Se soutenir mutuellement afin que les actions du Comité puissent se réaliser à 100%;
2. Intensifier les campagnes de sensibilisation et d'explication portant sur l'importance des droits de l'homme dans leurs milieux respectifs. ■

²⁰ La RDC est partie aux traités suivants: ICERD, ICCPR, OP-ICCPR, ICESCR, CEDAW, CAT, OP-CAT, CRC, CRC-OPAC et CRC-OPSC.

²¹ Par arrêté ministériel No. 013/MDH/CAB/MBK/005/2001

STRENGTHENING PARTNERSHIPS WITH CIVIL SOCIETY: CERD HEARS VIEWS OF NGOS



Mr. Anwar Kemal, Chairperson of the Committee on the Elimination of Racial Discrimination, at the informal consultations with States parties during the 11th Inter-Committee Meeting in June 2010.

© OHCHR/Danielle Kirby

On 3 August 2010, the Committee on the Elimination of Racial Discrimination (CERD) met with representatives from non-governmental organizations (NGOs)²² to discuss ways of strengthening the interaction between the Committee and NGOs. Non-governmental organizations were invited to share their insights and proposals on how to strengthen the role of NGOs in the reporting process under ICERD, including in relation to the follow-up procedure, as well as in relation to the communication system under article 14 and the early warning measures and urgent action procedures of the Committee. The views of NGOs were also solicited with respect to: (i) the modalities for their participation in the Committee's sessions; (ii) experiences and best practices of NGOs submissions to the Committee; (iii) as well as how the work of the Committee could better impact the work of NGOs at local level.

In their interventions, representatives of NGOs highlighted the following issues and identified needs:

1. A **guide for NGOs to facilitate** understanding of CERD's working methods, its mechanisms (general comments, early warning and urgent action procedures, follow-up procedure, communications), and procedures how to access and provide input into the work of CERD.²³ NGOs also requested a more user-friendly CERD website.
2. Enhanced use of **modern technology** (Skype, audio casting, webcasting, video conferencing) to better reach out to NGOs, taking into account the key issue of accessibility.
3. The need for formal **meetings with NGOs**, with one suggestion being to hold an NGO meeting at the beginning of each session week.
4. The importance of **central coordination among NGOs** which is currently lacking (this role was formerly played by the Anti-Racism Information Service (ARIS)).
5. The interest of NGOs to engage in the preparation of **Lists of Themes** and **follow-up** of concluding observations.
6. Also, a request was made for the Committee to draft a **statement of appreciation** of the contributions made by NGOs to the Committee.

Committee members reiterated that cooperation and dialogue with NGOs was crucial to its work. Overall, they agreed with the suggestions presented, notably the request for formal meetings with the Committee. They recalled participants of the constraints they face in terms of time and resources. Given that the Committee does not have pre-session meetings, like the Committee on the Rights of the Child for instance, members would reflect on the most effective time to schedule meetings with NGOs. The Committee emphasized the importance of good quality information from NGOs and, regarding alternative reports, requested that they continue to be sent with sufficient time ahead of the session and that, in order to have a more complete picture, they include the position expressed by the government as well as the NGO's own. Besides suggesting that NGOs streamline their contributions to CERD, members also asked that international NGOs provide support to NGOs at local level, especially those without the resources to travel to Geneva. In this respect, members encouraged more participation by NGOs, particularly from developing countries. To this effect, more publicity and awareness-raising of the International Convention on the Elimination of Racial Discrimination and the work of the Committee is needed at local and national level. ■

TO READ AND LEARN MORE

- ❖ Guidance on interaction by civil society with UN treaty bodies, including CERD, is available in "*Working with the United Nations Human Rights Programme: A Handbook for Civil Society*", produced by OHCHR. For CERD specific guidance, please see pp. 62-63. The Handbook is available at: <http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx>
- ❖ The call for the meeting with NGOs as well as NGO submissions to the 77th session of CERD are available at: <http://www2.ohchr.org/english/bodies/cerd/cerds77.htm>

²² Including International Disability Alliance Secretariat; NICEM for ethnic minorities; Amnesty International; Congrès Mondial Amazigh; Tamazgha; Geneva representative of Centre for Legal and Social Studies (CELS - Argentina), Conectas Human Rights (Brazil) and Corporacion Humanas (Chile); The International Movement Against All Forms of Discrimination and Racism (IMADR); Coalition for Racial Equality and Rights; Réseau Amazigh pour la Citoyenneté (Morocco); University of Middlesex, Department of Law; Human Rights Law Resource Centre – Australia; Foundation for Aboriginal and Islander Research Action (FAIRA); Human Rights Watch and Comitato per la promozione e protezione dei diritti umani.

²³ A section on civil society interaction with CERD is available in OHCHR's publication "*Working with the United Nations Human Rights Programme: A Handbook for Civil Society*" (see below). It should also be noted that the NGO guide by the *International Movement Against All Forms of Discrimination and Racism* (IMADR) is in progress.

INTERVIEW AVEC LA PRÉSIDENTE DU COMITE AFRICAIN D'EXPERTS SUR LES DROITS ET LE BIEN-ÊTRE DE L'ENFANT

«Il faut passer à l'action»

La *Coopération entre le Comité africain d'experts sur les droits et le bien-être de l'enfant (CAEDBE) et le Comité des droits de l'enfant (CDE) a vécu un tournant au mois de mars de cette année lorsque les deux comités ont tenu leur première réunion conjointe à Addis Abeba (voir [Newsletter No 8](#)). Dans le cadre de cette nouvelle coopération, la Présidente par intérim du CAEDBE, Mme Agnès Kaboré, et la Secrétaire du Comité, Mme Mariama Cissé, ont passé une semaine avec le CDE à Genève du 13 au 17 septembre. Nous avons rencontré Mesdames Kaboré et Cissé pour écouter leurs points de vue sur la semaine écoulée et pour en apprendre davantage sur le travail du Comité africain.*

Vous avez participé à la session du Comité des droits de l'enfant pendant une semaine. Quelles sont les bilans et vos impressions?

C'est une semaine vraiment très intense en activités que nous avons vécue ici à Genève. Avant tout, nous avons assisté aux débats du Comité des droits de l'enfant concernant les rapports des Etats parties africains (Angola, Burundi et Sierra Leone). Au cours de ces sessions, nous avons pu observer la façon dont se déroulent les débats. Nous avons pu également analyser les pratiques du CDE, comment le travail est organisé, de quelle manière les questions sont posées, ainsi que les autres méthodes de travail utilisées. Nous avons remarqué qu'il y a beaucoup de similitudes entre les deux comités, parce que nous examinons aussi les rapports de mise en œuvre de la *Charte africaine des droits et du bien-être de l'enfant* des Etats parties. En ce qui concerne l'Afrique, nous avons constaté que ce sont les mêmes problématiques qui reviennent ici, à Genève: châtimements corporels, violences et abus physiques, la problématique des orphelins, les enfants vulnérables, etc.

Ce que nous recherchons tout particulièrement, ce sont les recommandations adressées aux Etats parties. Comparé au comité de Genève, nous sommes un comité assez jeune et nous tirons un grand bénéfice de cette émulation entre les deux organes de traités.

Nous avons eu également des discussions avec les ministres africains qui ont présenté leurs rapports auprès du CDE. C'est très important de les féliciter pour tous les efforts consentis y relatif. Nous avons saisi l'opportunité qui nous était offerte pour exprimer le souhait de voir leurs rapports sur la mise en œuvre de la *Charte africaine des droits et du bien-être de l'enfant* présentés également au Comité africain. Notre présence à Genève a été très positive dans le sens où elle a permis au CAEDBE de prendre des contacts très utiles avec certains organes de l'ONU et de sensibiliser certains hauts responsables en charge de la question de l'enfance des Etats parties de la Charte africaine. En plus, des organisations non-gouvernementales venues participer à la 55ème session du Comité des droits de l'Enfant ont été sensibilisées davantage sur la Charte africaine.

Les discussions avec les fonctionnaires du Haut-



Mesdames Agnès Kaboré et Mariama Cissé (ACERWC) au Palais Wilson pendant la 55ème session du Comité des droits de l'enfant. © OHCHR/Katarina Mansson

commissariat aux droits de l'homme sur la *Stratégie des Droits de l'Homme* en Afrique actuellement en cours d'élaboration ont été intéressantes. La Commission de l'Union africaine (CUA) a organisé une consultation avec les organes et institutions de l'UA et les Communautés économiques régionales (CER) sur l'élaboration de la *Stratégie des Droits de l'Homme* du 11 au 13 mars 2010 à Banjul, en Gambie.²⁴ À ce niveau, le CAEDBE a insisté sur l'importance des droits de l'enfant dans la *Stratégie*. C'était une réunion fructueuse en échange d'informations sur les violations des droits de l'enfant constatées en Afrique. Par ailleurs, des discussions avec M. Ibrahim Salama, directeur de la division des organes des traités, ont eu lieu sur la question.

En marge du programme officiel, la visite des structures de garde d'enfant, les contacts informels avec la branche suisse du Service Social International et des responsables de l'Institut international des droits de l'enfant (IDE) ont renforcé notre conviction de l'intérêt de cette visite du CAEDBE à Genève qui a été très positif.

Votre visite à Genève est une suite directe à la réunion de mars à Addis Abeba entre le CDE et le CAEDBE. Quelles

²⁴ Veuillez consulter:

http://www.africancourtcoalition.org/editorial.asp?page_id=181

mesures ont été prises cette semaine pour renforcer davantage la coopération entre les deux comités?



Réunion entre ACERWC et CRC pendant la 55ème session du Comité des droits de l'enfant. © OHCHR/Katarina Mansson

La collaboration entre les deux comités est essentielle. Elle est reconnue par la plus haute instance de l'Union Africaine, parce qu'elle a fait l'objet d'une décision du Conseil Exécutif adoptée lors de sa 13ème session ordinaire. La première rencontre entre les deux comités a eu lieu en mars dernier et c'était vraiment une réunion fructueuse à l'issue de laquelle des activités possibles pour notre collaboration ont été identifiées.

Dans le cadre de la poursuite de notre collaboration, une rencontre spécifique avec le Comité de Genève cette semaine a permis de prendre certaines décisions et recommandations: Entre autre, l'élaboration des termes de référence du Task Force qui va faire une analyse comparée entre les deux instruments des Nations Unies et l'Union Africaine sur les droits de l'enfant pour identifier les points de convergence et les divergences qui pourraient exister entre ces deux textes. Cela est important dans le sens où collaboration n'est pas systématiquement une harmonisation, mais plutôt comment établir une interaction cohérente.

Aider les États parties dans leur obligation à garantir les droits des enfants par le biais de rapports périodiques est commune aux travaux des deux comités. Comment espérez-vous qu'une meilleure coopération puisse faciliter les États parties à la Charte africaine à cet égard?

Souvent les États parties africains se plaignent de la charge du travail que les rapports leur imposent et particulièrement sur les questions de manque de moyens pour assurer leurs obligations. Le Task Force qui étudiera les similitudes de la Charte africaine et de la Convention, devra aussi réfléchir à la façon d'alléger la tâche des États à présenter les rapports. Peut-être que l'on pourra proposer aux États africains de fournir la même information sur les deux traités dans ces rapports. Mais tout compte fait, on gardera deux rapports différents pour chaque Comité parce qu'il reste une obligation sous les deux instruments. Sous la Charte africaine, les États parties doivent soumettre des rapports tous les trois ans. L'élaboration de ces rapports est un processus très lourd et coûteux pour les États. Comme la Charte contient des aspects qui ne figurent pas dans la Convention des droits de l'enfant des Nations Unies, peut-être que c'est à ce niveau-là que les États africains pourraient compléter les rapports soumis puisqu'il y a beaucoup de similitudes entre les traités. Ce serait un poids en moins pour les États africains.

Ce qui est important, ce sont les recommandations qui sont adoptées par les Comités. Ici à Genève, on apprend comment celles du Comité des droits de l'enfant sont préparées: les détails, le style et la manière avec lesquels sont faites les recommandations. Cela nous intéresse beaucoup. Il faut voir vraiment si nous avons les mêmes recommandations, est-ce que cela vaut la peine de les répéter? Et quand on recommande, on dit d'une certaine manière les mêmes choses. Cela fait trop de gymnastique pour les pays africains!

« Nous ne devrions pas rester au stade des rencontres et des discussions, il faut passer à l'action. C'est dans ce sens-là que la réunion à Genève entre les deux comités a contribué à opérationnaliser cette collaboration-là. Entre nous, il faut toujours être actif, il ne faut pas attendre la prochaine réunion. »

Comme Mme. Agnes Aidoo l'a souligné, le Comité Africain tient à disposition deux mécanismes qui manquent au CDE: les missions d'investigation et les communications individuelles. Est-ce que vous pourriez nous expliquer comment fonctionnent ces deux mécanismes pour protéger les droits d'enfant en Afrique ?

Les missions d'investigation et les communications individuelles font partie du mandat du Comité. Le Comité d'experts africains peut être saisi par une institution ou par un individu sur des cas flagrants de violation des droits de l'enfant par le biais des communications. Il peut aussi être interpellé pour des missions d'investigation et des enquêtes, s'il y a eu des turbulences où si l'on constate que les enfants sont dans un cadre de conflit, etc. Quand le Comité est saisi, il délègue deux experts pour étudier la situation des enfants et pour faire des propositions aux États parties pour que cette situation ne mette pas en danger les enfants. Dans le passé, il y a eu des missions d'investigation qui de par leur nature restent confidentielles.

Mme Cissé: Aujourd'hui on est saisi de deux communications individuelles. Quand on a une communication, on demande aux auteurs de nous envoyer des preuves. Ensuite, on saisit l'État partie avec des arguments présentés et la demande de produire sa défense. On a un groupe de travail qui doit étudier la situation et le dossier pour constater les faits. C'est comme le travail d'un juge d'instruction. Quand le Comité prend la décision et constate qu'il y a des violations, il fait appel à l'État pour qu'il mette la situation en ordre. Si les violations continuent, ou si la situation des violations des droits de l'enfant est vraiment flagrante, le Comité peut saisir la Cour africaine des droits de l'homme. Il y a des situations où l'on vient de faire appel à l'État à l'ordre pour qu'il prenne ses responsabilités: c'est-à-dire que le Comité peut agir ex officio, même si on n'a pas reçu des communications.

Pour conclure, nous tenons à remercier le bureau de liaison d'UNICEF auprès de l'Union Africaine qui a financé notre participation à cette 55ème session du CDE à Genève. L'UNICEF est un partenaire très sérieux pour nous. C'est parce qu'ils sont convaincus de l'impact de ce partenariat sur l'amélioration de la situation et des conditions de vie des enfants africains. À cet égard, nous voudrions aussi inviter des éventuels partenaires à se joindre au bureau d'UNICEF pour que nous puissions vraiment faire la promotion des droits de l'enfant en Afrique ■.

ENDING CORPORAL PUNISHMENT AN IMPORTANT STEP FORWARD AS KENYA ADOPTS NEW CONSTITUTION

On 27 August 2010, Kenya adopted a new Constitution after gaining broad popular support in a national referendum. The new Constitution enshrines the right of every person not to be subjected to corporal punishment, making Kenya the second country in Africa to legally protect children from corporal punishment in all settings, including in the home. As the twenty-ninth country to protect children from all forms of corporal punishment by law²⁵, this marks an important step forward towards the implementation of article 19 of the Convention on the Rights of the Child.

Article 29 of Kenya's new Constitution states that every person "has the right to freedom and security of the person, which includes the right not to be [...] (c) subjected to any form of violence from either public or private sources; (d) subjected to torture in any manner, whether physical or psychological; (e) subjected to corporal punishment; or (f) treated or punished in a cruel, inhuman or degrading manner". Also, article 53 of the Constitution confirms that every child has the right "to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour".

The Committee on the Rights of the Child in its General Comment No. 8 (2006) states that the elimination of corporal punishment is not "only an obligation of States parties to the Convention" but also "a key strategy for reducing and preventing all forms of violence in societies"²⁶. The Committee defines "corporal" or "physical" violence as "*any punishment in which physical violence is used and intended to cause some degree of pain or discomfort, however light*".²⁷ It highlights that the notion also includes non-physical forms of punishment, such as punishment which, inter alia, belittles, humiliates or denigrates the child.²⁸ While corporal punishment is not explicitly mentioned or prohibited in the Convention on the Rights of the Child,

the prohibition is based on articles 37 (right to protection from torture, degrading treatment and deprivation of liberty) and 19 (right to protection from all forms of violence) of the Convention, as well as article 28 (right to education).

Kenya became a State party to the Convention on the Rights of the Child in 1990. At the most recent consideration by the Committee of Kenya's second periodic report in 2007, the Committee urged the State party to "introduce legislation explicitly prohibiting corporal punishment in the home and in all public and private alternative care and employment settings" (CRC/C/KEN/CO/2, para. 35(a)). The Committee systematically recommends States parties to the Convention on the Rights of the Child that have not yet done so to ensure that domestic legislation explicitly prohibits corporal punishment and all forms of degrading treatment of children in all settings, including the home and alternative care settings.

CRC Key provisions and corporal punishment

In addition to the four General Principles of the Convention (arts. 2, 3, 6 and 12):

Article 19 (1)

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 28 (2)

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Article 37 (a)

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

²⁵ See <http://www.endcorporalpunishment.org/pages/frame.html>.

²⁶ General Comment No. 8 (2006) on The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), para. 3.

²⁷ Ibid., para. 11.

²⁸ Ibid.



The Committee on the Rights of the Child has adopted a specific General Comment (No. 8) on the right of the child to be protected from corporal punishment. Above: The Committee at its 51st session (May-June 2009). © OHCHR/Danielle Kirby

**Committee on the Rights of the Child: General Comment No. 8
on the right of the child to protection from corporal punishment
and other cruel or degrading forms of punishment**

“There is no ambiguity: “all forms of physical or mental violence” does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them²⁹.”■

TO READ AND LEARN MORE

- ❖ *General Comment No. 8 and other General Comments of the Committee on the Rights of the Child, please see:* <http://www2.ohchr.org/english/bodies/crc/comments.htm>

²⁹ Ibid., para. 18.

CRPD AT WORK IN RESHAPING A RULE OF THE COMMON LAW: The Case of *Nicholson v Knaggs* of the Supreme Court of Victoria, Australia

In an arguably unprecedented case in the Common Law world, the decision of the Victorian Supreme Court of Australia in *Nicholson v. Knaggs*³⁰ draws upon the Convention on the Rights of Persons with Disabilities (CRPD) to interpret and reinforce the right to testamentary freedom. The judgment orders the amendment of a will of Ms. Betty Dyke, who suffered from two disabilities, after establishing that undue influence was exercised on her at the time of preparing the will. This flows from an obligation under article 12 of the CRPD on legal capacity to recognise that persons with disabilities enjoy the right to freedom of testamentary disposition on an equal basis with others in all aspects of life and that “a greater measure of protection to those testators who are most vulnerable to undue influence, namely those that suffer from disabilities” shall be considered.³¹ Australia ratified the Convention in 2008 but has not yet incorporated it into Australian domestic law.

Mr. McCallum, Chairperson of the Committee on the Rights of Persons with Disabilities:

*“Nicholson v Knaggs which was decided by Justice Vickery in the Supreme Court of the Australian State of Victoria, is the only decision of which I am aware, which has used the CRPD to reshape general legal rules. By making it easier for persons to show that gifts under wills are invalid because of undue influence, the judge has given stronger rights to persons with disabilities when they decide what should happen to their property after their death.”*³²

The judgment, pronounced on 29 February 2009, concerns the wills from 1999 and 2001 of Ms. Dyke from Victoria, one of Australia’s six States, which upon her death at the age of 84 in 2004 left her considerable estate to three couples who were neighbours of her farm. In the last years of her life, Ms. Dyke suffered from acute pain caused by curvature of the spine and later developed advanced dementia caused by severe Alzheimer’s disease. An earlier will from 1985 left the bulk of Ms. Dyke’s estate to a number of charities providing care to animals

and services to deaf and blind persons. Members of her family challenged the two wills of 1999 and 2001 on the basis that Ms. Dyke (i) lacked testamentary capacity at the time she made the relevant wills and codicils; (ii) that she was subjected to undue influence in the making of the wills; and (iii) that she lacked the necessary knowledge of the contents of, and hence did not approve of the wills and codicils.



Mr. Ronald McCallum, Chairperson at the 4th session (October 2010) of the Committee on the Rights of Persons with Disabilities with Ms. Safak Pavey, Secretary CRPD (OHCHR). © Ms. Mary Crock

Ronald McCallum, Chairperson of the CRPD, on *Nicholson v. Knaggs*:

“The only decision of which I am aware, which has used the CRPD to reshape general legal rules”.

The Supreme Court of Victoria, after considering the facts and evidence presented during a 34-day long trial, concluded that Ms. Dyke did have testamentary capacity and approved of, and had knowledge of, the contents of the wills. However, the Court was satisfied that undue influence had been exercised upon Ms. Dyke by one of the beneficiary couples, Mr. and Ms. Knaggs, of the will: Both Mr. and Ms. Knaggs had been involved in the preparation of the 1999 will and the inclusion of Mr. Knaggs as beneficiary was a direct result from a phone call made by Ms. Knaggs to the solicitor of Ms. Dyke a few days before she signed the will. Article 12(4) of the CRPD relating to the exercise of legal capacity by persons with disabilities, quoted in full in the judgement, obliges States parties to:

*“ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free from conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person’s rights and interests.”*³³

³⁰ *Julie Ann Nicholson & Ors v Timothy Peter Knaggs & Ors, Supreme Court of Victoria*, 29 February 2009.

³¹ *Ibid.*, at para. 126.

³² An analysis of the case by Mr. McCallum is included in a paper on *The United Nations Convention on the Rights of Persons with Disabilities: Some Reflections*, delivered at a seminar entitled “Disability, Discrimination and Human Rights: Recent National and International Developments”, sponsored by the Centre on Human Rights for People with Disabilities Belfast and the Human Rights Centre, Queens University, Belfast, Northern Ireland, UK, Saturday 20 February 2010 (see below).

³³ *Ibid.*, see para. 59.

Justice Peter J Vickery, author of the judgement, stresses that the concept of "legal capacity" as employed in article 12 CRPD has a particular meaning, wider and distinct from its common use: It entails "the capacity to exercise rights and undertake duties in the course of individual conduct".³⁴ The article recognizes, in the light of the object and purpose of the Convention and its travaux préparatoires, "that some people with disability need support to make decisions in the exercise of their legal rights. If a State party implements a mechanism of supported decision making to assist such persons, the State is obliged to ensure that appropriate and effective safeguards are in place which respect the rights, will and preferences of the person with disabilities, so that those rights, will and preferences are, amongst other things, free of interest and undue influence, and are proportional."³⁵ Undue influence in the will making process, Justice Vickery argues, may impose a significant barrier to the free expression of the testator's preferences.³⁶ "Persons with disabilities, including the elderly who suffer from disabilities, are uniquely vulnerable to the exercise of undue influence on the part of others. Accordingly, common law protection provided by the concept of undue influence, as it has developed in this country, may legitimately be engaged by the CRPD."³⁷

Whereas Australia has not yet incorporated the Convention into its domestic law, Justice Vickery recalls legal decisions pronouncing that provisions of international conventions that Australia is a party to "may be used by the courts as a legitimate guide in developing the common law", especially when the Convention in question declares universal fundamental rights³⁸. Here, Justice Vickery specifies preambular paragraphs (b) and (e) of the CRPD to stress the fundamental character of the human rights that the Convention declares³⁹. It follows that there is no doubt that Australia is under the obligation assumed by States

Parties expressed in Article 12(2) of the CRPD to recognise that "persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life". To quote the judgement: "The CRPD has application to the exercise of will making by persons who suffer from disabilities in this country. The Convention therefore warrants a role in the development of Australian common law of will making, subject to a considered application of the mandated caution"⁴⁰ .

The Chairperson of the Committee on the Rights of Persons with Disabilities, Mr. McCallum, has highlighted the importance of the CRPD, as an international human rights treaty to which Australia is a party, in shaping the common law rules in this case:

"It is important to appreciate that in Nicholson v Knaggs,[1] Vickery J utilised article 12 of the CRPD in his decision to alter the Common Law rules governing testamentary incapacity due to undue influence. While article 12 was by no means decisive, its status as a provision of a Convention which had been ratified by the Government of Australia was of significance"⁴¹.

It is in the light of article 12 of CRPD that the judgment submits that the bar in common law for proving testamentary undue influence has been set far too high and has "unduly limited the operation of the principle as an effective safeguard for the protection of vulnerable persons in the community".⁴² Specifically, this "is in conflict with the modern rulings of the High Court of Australia and is inconsistent with the object and purpose of the Disabilities Convention, at least insofar as persons with disabilities, including the elderly, are concerned"⁴³ ". Having re-

interpreted common law against the backdrop of the CRPD, the judgement concludes that Ms. Knaggs exercised undue influence over Ms. Betty Duke by securing the inclusion of Mr. Knaggs as a joint beneficiary of one third of the residuary estate under the 1999 will. It rules that the will be amended to remove Mr. Knaggs from one of its beneficiaries: "By this means, the Will can be restored to reflect the true intentions of Betty Duke. With the exception of Mr Knaggs, she wanted to benefit her friends named in the 1999 Will. She had every right to do so in the exercise of her testamentary freedom."⁴⁴ ■

For further analysis of the judgment, see Ronald McCallum "The United Nations Convention on the Rights of Persons with Disabilities: Some Reflections" in Sydney Law School Research Paper No. 10/30. The full paper is available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1563883

To read the judgment, see: <http://www.supremecourt.vic.gov.au/wps/wcm/connect/Supreme+Court/Home/Judgments+and+Sentences/Summaries/SUPREME+-+Summary+-+Nicholson+and+Ors+v+Knaggs+and+Ors>

To read more: Monitoring the Convention on the Rights of Persons with Disability: Guidance for HR Monitors http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf

To read and learn more about the work of the Committee on the Rights of Persons with Disabilities, please see: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

³⁴ Ibid., para. 64.

³⁵ Para. 75.

³⁶ Note that the Convention, in article 1, defines persons with disabilities to include "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".

³⁷ Para. 75.

³⁸ See paras. 70-71.

³⁹ (b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, (e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

⁴⁰ Para. 74.

⁴¹ McCallum, *The United Nations Convention on the Rights of Persons with Disabilities: Some Reflections* (see above fn 3), p. 13.

⁴² See Summary of Reasons for Judgement, 27 February 2009, para. 16 (f).

⁴³ Ibid. The judgment refers in particular to the precedent set in the decision of *Boyse v Rossborough* by the House of Lords, England, over 150 years ago.

⁴⁴ Ibid., para. 16 (j).

EXPANDED CRPD ELECTED AT THIRD CONFERENCE OF STATES PARTIES IN NEW YORK



The Committee on the Rights of Persons with Disabilities (here at its 4th session, October 2010) currently has 12 members. With the 80th ratification of the Convention on the Rights of Persons with Disabilities, the CRPD will as of January 2011 have eighteen members.

Standing from left to right :Mr. Lotfi Ben Lallohom, Ms. María Soledad Cisternas Reyes, Ms. Amna Ali Al Suweidi, Mr. György Könczei, Ms. Safak Pavek, Secretary CRPD (OHCHR), Mr. Cveto URŠIČ, Ms. Wan Hea Lee, Chief of Section (OHCHR); Sitting from left to right Mr. Germán Xavier Torres Correa, Ms. Jia Yang, Mr. Monsur Ahmed Choudhuri, Mr. Mohammed Al-Tarawneh, Mr. Ronald McCallum, Ms. Edah Wangechi Maina, Ms. Ana Peláez Narváez.

© Ms. Mary Crock

This year marks an important milestone in the life of the Committee on the Rights of Persons with Disabilities. As States parties, you have the responsibility to elect members to the six seats that will fall vacant soon as well as to the six new seats prompted by the increase in the number of ratifications and accessions. I hope that this expanded membership strengthens the ability of the Committee to discharge its functions in the most effective way. I also wish to see, in the near future, experts with disabilities nominated and elected for other human rights treaty bodies.

These words by the High Commissioner for Human Rights featured at the opening of the Third Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CRPD),⁴⁵ held from 1 to 3 September 2010 at UN Headquarters in New York. As referred to in the High Commissioner's statement, the first session of this year's Conference of States parties – held under the theme *Inclusion of Persons with Disabilities through the implementation of the Convention on the Rights of Persons with Disabilities* – was devoted to the election of members of the Committee on the Rights of Persons with Disabilities.

WHO ARE MEMBERS OF THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES?

ARTICLE 34(4) CRPD

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

Pursuant to article 34 of the Convention, the Committee's membership increases from 12 to 18 after the 80th ratification of, or accession to, the treaty. Article 34 (2) reads: *The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.* The elections were considered one of the most complex elections of treaty body members in recent history and required minute preparations. States parties voted, in the first stage of voting, on six seats whose terms are due to terminate on 31 Dec 2010 and, in the second stage, on

⁴⁵ Article 40 of the Convention stipulates that "The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention."

six additional seats occasioned by the increase in the number of States parties. After a full day of voting, twelve members of the Committee on the Rights of Persons with Disabilities were elected:

For the six seats whose terms will expire on 31 Dec 2010,

the following candidates were elected:

Mr. Ronald C. McCallum, Australia

Ms. Edah Wangechi Maina, Kenya

Mr. Hyung Shik Kim, Republic of Korea

Mr. Carlos Rios Espinosa, Mexico

Mr. Lotfi Ben Lallahom, Tunisia

Ms. Theresia Degener, Germany

For the six new seats,

the following candidates were elected:

Mr. Gabór Gombos, Hungary (*)

Mr. Damjan Tatic, Serbia

Mr. Stig Langvad, Denmark

Ms. Silvia Judith Quang Chang, Guatemala (*)

Ms. Fatiha Hadj Salah, Algeria (*)

Mr. Germán Xavier Torres Correa, Ecuador

(*) Drawn by lot by the President to serve two-year terms

TO READ AND LEARN MORE

- For the press release by the Department of Public Information (DPI), please see: <http://www.un.org/News/Press/docs//2010/hr5030.doc.htm>
- For more information on the 3^d COSP and the elections, please see: <http://www.un.org/disabilities/default.asp?id=1532>
- For more information on the CRPD, please see: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

All new members will assume their functions on 1 January 2011. The Conference of States parties continued on 2 and 3 September with panel discussions on inclusion (article 19 CRPD) and the right to education (article 24 CRPD), inclusion and life in the community, and persons with disabilities in situations of risk and humanitarian emergencies. The Conference of States parties concluded on 3 September after the holding of an interactive dialogue on the implementation of the Convention by the UN system. ■

“REALIZING THE MDGs IS BUT A FIRST STEP IN MEETING [...] HUMAN RIGHTS TREATY OBLIGATIONS”

TREATY BODY CHAIRPERSONS ISSUE FIRST JOINT STATEMENT AT MDG SUMMIT

On the occasion of the UN Summit on the Millennium Development Goals (MDGs), held on 20 to 22 September 2010 at UN Headquarters in New York, all Chairpersons of UN treaty bodies issued their first ever joint statement. In the statement Chairpersons urged Member States “*to be guided by human rights in finalizing the Summit Outcome Document and in establishing national action plans*”. The statement also drew the attention of Member States “*to the guidance offered by human rights treaties and the work of treaty bodies*”, reminding States that “*realizing the MDGs is but a first step in meeting their broader human rights treaty obligations.*” The statement also emphasized that the rights embodied in the core human rights treaties should be the standards against which to measure progress towards achieving the MDGs.

World leaders and high-level UN officials, including the High Commissioner for Human Rights Ms. Navi Pillay, attended the UN Summit to accelerate progress towards achieving the MDGs. In only five years the 2015 deadline to reach the targets to fight poverty, hunger, disease, maternal and child deaths and other ills should be met, as agreed at the 2000 UN Millennium Summit. The outcome document *Keeping the promise: united to achieve the Millennium Development Goals* (UN Doc. A/65/L.1, 17 September 2010) makes several references to human rights. Heads of States and Governments recognize, inter alia, “that the respect for and promotion of human rights is an integral part of effective work towards achieving the Millennium Development Goals” (para. 53).■

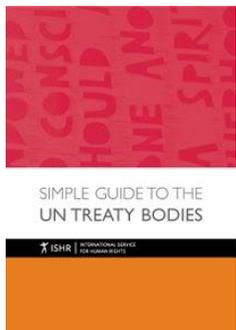
- To read the full statement, please see <http://www2.ohchr.org/english/bodies/treaty/index.htm>
- To read more about the UN Summit of 20-22 September, please see: <http://www.un.org/en/mdg/summit2010/>
- To read the outcome document, please see: <http://www.un.org/en/mdg/summit2010/pdf/mdg%20outcome%20document.pdf>
- Twenty-four special procedures mandate-holders also issued a joint statement on the occasion of the MDG Summit.

NEW PUBLICATIONS ON UN TREATY BODIES AND THE CORE INTERNATIONAL HUMAN RIGHTS TREATIES

Monitoring the Convention on the Rights of Persons with Disabilities: Guidance for human rights monitors, Office of the High Commissioner for Human Rights, Professional Training Series No. 17, 2010.

The purpose of this publication is to assist United Nations human rights officers and other human rights monitors—including from Governments, national human rights institutions and non-governmental organizations—to engage in monitoring the rights of persons with disabilities, in line with the Convention. This publication provides an explanation of the paradigm shift that the Convention enshrines and of the scope, standards and principles recognized by it. Furthermore, it proposes a methodology for monitoring the rights of persons with disabilities, and provides useful advice on issues to consider when working with persons with disabilities. Persons with disabilities have historically been invisible in the human rights system and have been overlooked in human rights work. This is no longer acceptable. This publication will assist those engaged in human rights monitoring to effectively include the perspective of persons with disabilities in their activities, by not only integrating persons with disabilities in general monitoring work, but also by paying specific attention to monitoring the situation and enjoyment of rights by persons with disabilities where required. [Extract from foreword by Navanethem Pillay, High Commissioner for Human Rights]

The publication is available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>



Simple Guide to the UN Treaty Bodies – Guide Simple sur les organes de traités de l'ONU, The International Service for Human Rights/Service Internationale pour les Droits de l'Homme, Geneva, 2010.

ISHR is relaunching its Simple Guide to the UN Treaty Bodies after updating and revising it in July 2010. It aims to provide human rights defenders and their organisations with a broad overview of the UN human rights treaty body system and its functions to support their effective engagement with the treaty bodies. The Guide also contains other information, such as the relationship between the treaty bodies and other UN human rights mechanisms, relevant developments related to the harmonisation of the working methods of the treaty bodies, and a glossary and e-resources.

Version en français : La version française du guide est disponible sur la même page du site du SIDH que la version anglaise. Nous espérons qu'il aidera les défenseurs des droits humains et leurs organisations à avoir une vision complète des différents organes de traités de l'ONU et de comment ils fonctionnent. Ils trouveront dans ce guide des informations précieuses sur comment interagir avec les organes de traités et leur soumettre des rapports sur les cas sur lesquels ils travaillent.

The Guide is available at: <http://www.ishr.ch/guides-to-the-un-system/simple-guide-to-treaty-bodies>

How to file complaints on Human Rights Violations: A Manual for Individuals and NGOs, Klaus Hübner, Bonn, UNO-Verlag, 2010, ISBN 978-3923904662

This manual on how the existing human rights mechanisms and procedures of the United Nations, UNESCO and ILO function is the fifth, updated and enlarged edition. It is written for individuals and NGOs with the intention of increasing still lacking transparency and of offering practical guidance. It includes, inter alia, important addresses, charts describing the different procedures and model forms for communications, and detailed references.

So far, earlier versions of this book have been translated into 12 other languages and appeared in 19 editions, often enlarged by chapters on regional human rights mechanisms and by detailed information about specific national states reports and the concluding remarks of the corresponding treaty bodies within the UN system.

The publication is available at: http://www.unesco.de/c_humanrights/ ■

ACADEMIC ANALYSIS OF UN TREATY BODIES AND THE CORE INTERNATIONAL HUMAN RIGHTS TREATIES: RECENTLY PUBLISHED ARTICLES

Practice of United Nations Human Rights Treaty Bodies in the Reconciliation of Cultural Diversity with Universal Respect for Human Rights

*Michael K Addo, **Human Rights Quarterly**, Baltimore: Aug 2010. Vol. 32, Iss. 3; pg. 601, 64 pgs.*

Abstract (Summary)

The traditional scholarly narrative on the relationship between cultural diversity and universal respect for human rights suggests a tension which must, at best, be managed. There is, however, no consensus among scholars as to the best way to reconcile or manage this tension and so creating an intellectual gap between universalist and cultural relativist schools of thought which has come to inform important aspects of diplomatic practice. This article analyses an alternative approach to the management of this tension based on the practice of the United Nations human rights treaty bodies. The working methods of these supervisory bodies, especially the constructive dialogue on national periodic reports, suggest that they adopt a legal approach in which cultural diversity and universal respect for human rights complement and reinforce each other. At the same time, focusing on effective protection, the treaty bodies challenge specific cultural practices that they consider to be harmful or contrary to human rights guarantees. Although the treaty bodies' approach to this subject is still evolving, it reveals interesting doctrinal lessons concerning the universality of human rights norms.

Monitoring the Convention on the Rights of Persons with Disabilities: Innovations, Lost Opportunities, and Future Potential

*Michael Ashley Stein, Janet E Lord, **Human Rights Quarterly**, Baltimore: Aug 2010. Vol. 32, Iss. 3; pg. 689, 40 pp.*

Abstract (Summary)

Experience indicates that a progressive treaty body can make much of even minimalist monitoring and implementation provisions, and given the relatively broader scope offered by the mechanisms in the CRPD, a proactive Committee coupled with the enlightened support of the dual Secretariat structure can be expected to make significant progress towards the realization of the Convention's visionary framework. [...] the experience of international environmental law, particularly its pattern of developing creative institutional arrangements such as conferences or meetings of the parties and subsidiary bodies to facilitate cooperative implementation and develop the normative content of a treaty over time, provides ample lessons for the CRPD regime.

Reparations for Indigenous Peoples: International and Comparative Perspectives

*Raymond Steenkamp Fonseca, **Human Rights Quarterly**, Baltimore: Aug 2010, Vol. 32, Iss. 3; pg. 768, 6 pgs.*

Abstract (Summary)

[...] the wrongful nature of the acts against indigenous peoples as collective entities derives from breaches of international human rights law. 3 The International Covenant on Civil and Political Rights (ICCPR) has been frequently used in claims by indigenous peoples based on Article 27. Article 27 requires states to protect individuals belonging to ethnic, religious, or linguistic minorities and for states to allow these communities the right to enjoy their own culture, their own religion, and their own language. Article 2(2) of the same Convention requires state parties to take necessary steps to adopt laws or other such measures as may be necessary to give effect to the rights detailed in the Convention.

ACADEMIC ANALYSIS OF UN TREATY BODIES AND THE CORE INTERNATIONAL HUMAN RIGHTS TREATIES: RECENTLY PUBLISHED ARTICLES (TO BE CONTINUED)

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: An Ex Ante Assessment of its Effectiveness in Light of the Drafting Process

*Arne Vandenbogaerde, Wouter Vandenhole, **Human Rights Law Review**, Nottingham: Jun 2010. Vol. 10, Iss. 2; pg. 207.*

Abstract (Summary)

In this article it is submitted that the text of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as finally adopted on 10 December 2008, is to be seen as the outcome of a drafting process that was dominated by ideological prejudices rather than concerns with potential effectiveness. It goes without saying that political and ideological considerations always play a large part in negotiations of human rights instruments. However, the key question is whether this bargaining process has resulted in a potentially effective mechanism for addressing economic, social and cultural (ESC) rights violations, which takes into account the specificity of ESC rights, or rather an instrument which reflects the longstanding ideological prejudices against and scepticism towards ESC rights. Potential effectiveness is believed to have been jeopardised by weak wording, as a weak procedure is unlikely to be able to satisfactorily respond to violations of rights. At times an absolutist search for consensus seems to have been the driving force behind weakening the text. [PUBLICATION ABSTRACT]

The Politics of Reporting: A Study of States' Strategies for Reporting to the UN Committee on the Rights of the Child

*Charlotta Friedner Parrat, **Political Studies**, Guildford: Jun 2010. Vol. 58, Iss. 3; pg. 472.*

Abstract (Summary)

This article is concerned with the obligation of State Parties to report to the UN Committee on the Rights of the Child, and discusses the politics involved in the reporting process, showing what strategy each state chooses to employ. An empirical study shows that the reported improvements in children's rights depend not only on the State Party's economic means, but also on its will to report truthfully. Based on John Rawls' 'The Law of the Peoples', I develop four ideal types of state with regard to the reporting process, and present game-theoretical explanations for their chosen strategies. The outcome is that a burdened state, illustrated by Burkina Faso, will tell the truth about children's rights in the state; a high-risk state, illustrated by Guatemala, will conceal or avoid eliciting sensitive information for its reports; a quasi-established liberal democracy, illustrated by Estonia, will also conceal information that shows its child rights record is not as clean as that of a liberal democracy; and a liberal democracy, illustrated by New Zealand, will tell the truth, provide all available information and point out existing problems. The article ends with a discussion about how to take the political factor out of the reporting process. [PUBLICATION ABSTRACT]

Children's rights education and social work: Contrasting models and understandings

*Didier Reynaert, Maria Bouverne-De Bie, Stijn Vandeveldde, **International Social Work**, London: Jul 2010. Vol. 53, Iss. 4; pg. 443.*

Abstract (Summary)

Despite the adoption of the United Nations Convention on the Rights of the Child, the interest in developing a theoretical grounding for children's rights education seems to be rather limited. This article argues for a better understanding of children's rights education as a distinctive practice in social work. Two different conceptions of children's rights education are identified: as an implementation strategy and as social action. Their relevance to both social work theory and practice are examined. [PUBLICATION ABSTRACT]. ■

NEW RATIFICATIONS

JULY – SEPTEMBER 2010

CRPD

- **Malaysia** (19 July 2010)
- **Lithuania** (18 August 2010)
- **Senegal** (7 September 2010)

OPTIONAL PROTOCOL TO CRPD

- **Honduras** (16 August 2010)
- **Lithuania** (18 August 2010)
- **Latvia** (31 August 2010)

OPTIONAL PROTOCOL ON SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC-OPSC)

- **Guyana** (30 July 2010)
- **Saudi Arabia** (18 August 2010)(now 139 States parties).

OPTIONAL PROTOCOL ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (CRC-OPAC)

- **Georgia** (3 August 2010)
- **Georgia** (3 August 2010) acceded to CRC-OPAC (134 States parties to this Protocol)
- **Seychelles** (10 August 2010)
- **Guyana** (11 August 2010) acceded to the CRC-OPAC

ICRMW

Guyana (7 July 2010,)

ICPPED

- **Paraguay** (3 August 2010) (now 19 States parties: the Convention will enter into force upon the 20th ratification)

OPCAT

- **Burkina Faso** 7 July 2010
- **Ecuador** 20 July 2010
- **Togo** 20 July 2010

- *For information on the status of ratification and signature of UN member states of UN human rights treaties and other international treaties, as well as reservations and declarations, please see:*
<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>
- *An overview of the ratification status by UN member states is accessible on:*
<http://www2.ohchr.org/english/bodies/treaty/docs/HRChart.xls> ■

NEW STATE PARTY REPORTS RECEIVED JULY-SEPTEMBER 2010

		AFRICA	
	Chad	CEDAW	Combined initial to fourth report (CEDAW/C/TCD/1-4) received on 01/09/2010
	Côte d'Ivoire	CEDAW	Combined initial to third periodic report (CEDAW/C/CIV/1-3) received on 08/09/2010
	Egypt	CRC-OPAC	Initial report (CRC/C/OPAC/EGY/1) received on 21/06/2010
		CRC-OPSC	Initial report (CRC/C/OPSC/EGY/1) received on 21/06/2010
		CESCR	Combined second and fourth report (E/C.12/EGY/2-4) re-submitted on 25/06/2010
	Djibouti	CAT	Initial and second report (CAT/C/DJI/1-2) received on 21/07/2010
		CESCR	Initial and second report (E/C.12/DJI/1-2) on 21/07/2010
		Common Core Document	(HRI/CORE/DJI/2010) on 21/07/2010
		ICCPR	Initial report (CCPR/C/DJI/1) received on 23/8/2010
	Kenya	ICCPR	Third periodic report (CCPR/C/KEN/3) received on 23/8/2010
	Lesotho	CEDAW	Initial to fourth report (CEDAW/C/LSO/1-4) received on 16/8/2010
		NORTH AFRICA AND MIDDLE EAST	
	Israel	CRC	Second periodic report (CRC/C/ISR/2), received on 11/06/2010
	Jordan	CEDAW	Fifth periodic report (CEDAW/C/JOR/5) received on 25/06/2010
	Tunisia	CRPD	Initial report (CRPD/C/TUN/1) received on 01/07/2010

NEW STATE PARTY REPORTS RECEIVED JULY-SEPTEMBER 2010

		EUROPE, NORTH AMERICA AND CENTRAL ASIA	
	Albania	CERD	Combined fifth to seventh report (CERD/C/ALB/5-7) received on 16/09/2010
	Austria	CESCR	Fourth periodic report (E/C.12/AUT/4) received on 28/07/2010
	Belgium	CESCR	Fourth periodic report (E/C.12/BEL/4) received on 09/07/2010
	Bosnia	CESCR	Second periodic report (E/C.12/BSH/2) received on 13/08/2010
	Czech Republic	Common Core Document	(HRI/CORE/CZE/2010) submitted on 28/06/2010
		CERD	Combined eighth and ninth periodic report (CERD/C/CZE/8-9) received on 28/06/2010
	Finland	CEDAW	Combined fifth and sixth periodic report (CEDAW/C/FIN/5-6) received on 09/07/2010
	Greece	CAT	Combined fifth and sixth periodic report (CAT/C/GRC/5-6) received on 20/09/2010
	Kyrgyzstan	CRC	Combined third and fourth report (CRC/C/KGZ/3-4) received on 16/08/2010
	Lithuania	CCPR	Third periodic report (CCPR/C/LTU/3) received on 31/08/2010
	Luxembourg	CRC	Combined third and fifth report (CRC/C/LUX/3-4) received on 28/06/2010
	Monaco	CRC	Combined second and third report (CRC/C/MCO/2-3) received on 28/06/2010

NEW STATE PARTY REPORTS RECEIVED

JULY-SEPTEMBER 2010

	Norway	CESCR	Fifth periodic report (E/C.12/NOR/5) received on 28/06/2010
		CEDAW	Eight periodic report (CEDAW/C/NOR/8) received on 21/09/2010
	Spain	CRPD	Initial report (CRPD/C/ESP/1) received on 01/07/2010
	Uzbekistan	CESCR	Second report (E/C.12/UZB/2) received on 03/05/2010
	LATIN AMERICA AND THE CARIBBEAN		
	Brazil	CEDAW	Seventh periodic report (CEDAW/C/BRA/7) received on 11/08/2010
	Paraguay	CERD	Combined initial and second report (CERD/C/PRY/1-2) received on 16/09/2010
	Peru	CRPD	Initial report (CRPD/C/PER/1) received on 08/07/2010
	Uruguay	CESCR	Combined third and fourth periodic report (E/C.12/URY/3-4) received on 30/07/2010
	ASIA AND THE PACIFIC		
	China	CESCR	Second periodic report (E/C.12/CHN/2) received on 30/06/2010
		CRC	Combined third and fourth periodic report (CRC/C/CHN/3-4) received on 16/07/2010
		Common Core Document	(CHINA+ HONG KONG and MACAO) (HRI/CORE/CHN/2010) received on 02/07/2010
		CRPD	Initial report (CHINA-HONG KONG -MACAO) (CRPD/C/CHN/1), (CRPD/C/CHN/1/Add.1) (CRPD/C/CHN/1/Add.2) received on 30/08/2010
	Samoa	CEDAW	Combined fourth and fifth periodic report (CEDAW/C/WSM/4-5) received on 11/08/2010

FACTS AND FIGURES ON THE TREATY BODIES

18 October 2010

	CRC	CEDAW	HRCCommittee	CERD	CESCR	CAT	OPCAT	CRPD	CMW	CED	Total
No. of States parties	193- OPAC - 136/ OPSC - 139	186	166	173	160	147	54	91	43	19	1039
No. of experts	18	23	18	18	18	10	10*	12**	14	10	151
No. of sessions per year	3	3	3	2	2	2	3	2	2	2	24
No. of working groups (a)	1	2	1 + TF	0	1	0	0	0	0	0	
No. of weeks per session	3 + 1	3 + 1.3	3 + 1	4	3 + 1	3	1	1	1,5	1	
No. of weeks in session per year (b)	12	14	12	8	8	6	3	2	3	2	70
Venue	PW	PN/NY	PW/NY	PW	PW	PW	PW/PN	PN	PW	PW	
No. of State reports examined per session (c)	[20] 10	8	5	12	5	7 + LOIPR	N/A	0	2	0	
No. of State reports examined per year	[60] 30	24	15	24	10	14	N/A	0	4	0	123
Periodicity of reporting in years	5	4	3 or 4 or 5 as per Committee's decision	2	5	4	N/A	4	5	as per Committee's decision	
No. of State reports due/ to be examined per year if submitted on time (on average)	39 [e]	47	33	87	32	37	N/A	24	11	0	308
No. State reports pending examination (as at August 2010)	82	34	24	21	35	23	N/A	4	7	0	229
No. of reports received under an Optional Protocol	OPAC - 79/ OPSC - 67	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
No. of reports examined to date under an Optional Protocol	OPAC - 63/ OPSC - 48	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Follow-up procedure		YES	YES	YES		YES	YES	N/A			
List of issues (LOI)	YES	YES	YES	YES	YES	YES	N/A	YES	YES	YES	
LOI prior to reporting (LOIPR)			Testing			YES	N/A				
Individual complaints procedure	OP in draft	OP	OP	Art. 14	OP (f)	Art. 22	N/A	OP	Art. 77 (f)	Art. 31(f)	
Individual complaints examined per session (on average)		2	30	2		10	N/A				
Individual complaints pending (as at August 2010)		8	412	4		100	N/A	2			

FACTS AND FIGURES ON THE TREATY BODIES

18 October 2010

	CRC	CEDAW	HRCCommittee	CERD	CESCR	CAT	OPCAT	CRPD	CMW	CED	Total
Inquiries/visits		YES				YES	YES 4 visits including follow-up visits/4 visit reports	YES		YES	
Add. meeting time requested / year	9 weeks (g)			2 weeks (g)	4 weeks (g)	2 weeks (g)		2 + 2 weeks			
Add. meeting time authorized / year	6 weeks (h)	3 weeks + WG (h)		2 weeks (h)							
Other particularities	Reports to GA through ECOSOC/ May request the GA to request the SG to undertake a thematic study (art. 45c)	Annual report to CSW/ CEDAW always meets outside PW			Annual report to ECOSOC			Biannual report to GA			
OPCAT *	Will increase to 25 members as of 1 January 2011										
CRPD**	Will increase to 18 members as of 1 January 2011										
CMW***	Was 10 experts/ Has increased to 14 members as of 1 January 2010										
CED****	Entry into force upon 20th ratification (19 State parties to date)										
Working Groups (a)	HRCCommittee has in-session WG, named Task Force to prepare LOI										
No. of weeks in session per year (b)	70 weeks + 2 weeks for Inter-Committee and Chairpersons meetings + 2 weeks for the Board of the UNVFVT										
State reports (c)	[] State reports when Cttee meets in Chambers										
CRC [e]	Not counting reports submitted under the two OPs to the CRC (see below rows for that information)										
CESCR (f)	Entry into force upon 10th ratification (2 State parties to date)										
Art. 77 (f)	Entry into force upon declaration by 10 State parties (2 State parties to date)										
Art. 31(f)	Entry into force simultaneously with the Convention										
CESCR (g)	E/2010/22: 3 weeks & 1 week WG										
CRC (g)	A/63/160: 6 weeks/year + 3 weeks WG										
CERD (g)	A/63/18, para. 558										
CRPD(g)	Future 2 weeks + 2 weeks pswg										
CAT (g)	Future A/65/44, 1 add. Session										
CRC(h)	A/63/44: 4 weeks in Chambers & 2 weeks WG										
CERD (h)	A/63/243: 2 weeks / year										
CEDAW (h)	A/62/218: 1 add. Session + 1 week WG + 10 days/year for OP WG										

REPORTS TO BE CONSIDERED BY TREATY BODIES BETWEEN SEPTEMBER 2010 AND DECEMBER 2011 (18 Oct 2010)

	CERD	CCPR	CESCR	CEDAW	CRC *	CRC-OPSC *	CRC-OPAC *	CAT	CMW	CRPD	CED
To be considered in	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.	Country & sess. no.
			Mauritania								
			New Zealand								
			Peru								
			Slovakia								
			Spain								
			Togo								
			Tanzania								
July - Sept.				Costa Rica							
				Djibouti							
				Ethiopia							
				Italy							
				Nepal							
				Rep. Korea							
				Singapore							
				Zambia							
Oct. - Nov	Kuwait		ARG/3		Reports received	Reports received	Reports received	Albania		Spain	
	Lithuania		AZE/3					Armenia			
	Maldives		BGR/4-5					Belarus			
	Ukraine							Bulgaria			
	UK							Cuba			
								Czech Republic			
								Djibouti			
								Germany			
								Morocco			
								Sri Lanka			
								Tunisia			

* CRC has too many reports with no session assigned yet. Link to the list is provided here above.

1st country on top of each entry is linked to corresponding web page disclosing all reports and documents issued for that session

ENGAGE WITH THE HUMAN RIGHTS TREATIES DIVISION!

YOU CAN BE OF CRUCIAL ASSISTANCE TO TREATY-BODIES

<ul style="list-style-type: none"> - By raising awareness with country-based constituencies about upcoming considerations of reports by treaty bodies - By encouraging relevant partners to provide information to relevant treaty-bodies - By facilitating and encouraging implementation of treaty body recommendations 	Human Rights Committee (HR Committee)	Kate Fox kfox@ohchr.org
	Committee on Economic, Social and Cultural Rights (CESCR)	Maja Andrijasevic-Boko mandrijasevic-boko@ohchr.org
	Committee on the Elimination of Racial Discrimination (CERD)	Gabriella Habtom ghabtom@ohchr.org
	Committee on the Elimination of Discrimination Against Women (CEDAW)	Bradford Smith bsmith@ohchr.org
	Committee against Torture (CAT)	Joao Nataf jnataf@ohchr.org
	Committee on the Rights of the Child (CRC)	Susan Mathews smathews@ohchr.org Christine Evans cevans@ohchr.org
	Committee on Migrant Workers (CMW)	Noemy Barrita-Chagoya nbarrita-chagoya@ohchr.org
	Committee on the Rights of Persons with Disabilities (CRPD)	Safak Pavey spavey@ohchr.org
	Subcommittee on Prevention of Torture (SPT)	Patrice Gillibert pgillibert@ohchr.org

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