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of the human rights treaty bodies
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**REPORT OF THE SEMINAR ON RECOMMENDATIONS OF
UNITED NATIONS EXPERT BODIES**

Geneva, 9 to 10 November 2006

Introduction

1. The seminar on recommendations of United Nations Expert Bodies held from 9 to 10 November at the Palais des Nations in Geneva was convened pursuant to a recommendation of the seventeenth meeting of chairpersons of human rights treaty bodies held in Geneva on 23 and 24 June 2005 (A/60/278, Recommendation (e)). In that recommendation, the meeting of chairpersons recognized that at successive meetings of the chairpersons of human rights treaty bodies and the inter-Committee meetings, there has been discussion of technical co-operation and follow-up to the concluding observations of the treaty bodies and requests for guidance from specialized agencies, funds and programmes on how their input into the treaty body system could result in the formulation of more concrete and implementable recommendations. On 22 June 2006, the seventeenth meeting of chairpersons met with Vitit Muntarbhorn of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation (UNVFTC) and underlined the importance of creating opportunities for treaty body members to interact with United Nations field presences. The meeting of chairpersons requested the Secretariat to organize a seminar for treaty body members, members of the Board of Trustees of the UNVFTC

and United Nations specialized agencies, funds and programmes to discuss the format and substances of concluding observations and their implementation at the national level.

2. Participants in the seminar included representatives from the seven human rights treaty bodies, members of the Board of Trustees of the UNVFTC, representatives of field presences of the Office of the High Commissioner for Human Rights and representatives of specialized agencies, funds and programmes.

3. The seminar was opened by Mary Chinery-Hesse, Chairperson of the Board of Trustees of the UNVFTC, who served as Chairperson of the seminar. Jane Connors, Senior Human Rights Officer of OHCHR, provided introductory remarks, highlighting that the seminar provided a unique, informal opportunity for representatives from treaty bodies, specialized agencies, field presences and the Secretariat to discuss and assess ways to improve the preparation and implementation of concluding observations at the national level and to develop an action-oriented report.

Opening remarks

4. In introducing participants to the topic under discussion, Vitit Muntarbhorn of the Board of Trustees of the UNVFTC raised a number of issues related to the implementation of concluding observations at the national level. Specifically, Mr. Muntarbhorn identified two distinct, yet interrelated, categories of factors that should serve as benchmarks when assessing the strengths and weaknesses of implementation including implementation, harmonization, operationalization, collaboration and information/dissemination, as well as implementability, accessibility, capacity, receptivity and adaptability.

Introductory discussion

5. Participants from specialized agencies provided an overview of the level of awareness of the human rights treaty bodies within their respective entities and the extent of their participation in the reporting process. A number of representatives noted that while concluding observations are increasingly being taken into account in their work, this is primarily due to the specialized knowledge of individual staff members and is often issue-specific. The lack of institutional awareness of human rights and the treaty bodies and their concluding observations is frequently combined with a perceived lack of relevance or distrust in the effectiveness of the system, reportedly resulting in an absence of institutional policy and an inconsistent application of knowledge. Several representatives indicated that this situation would remain unchanged without high-level commitment from within the specialized agencies. The training and mobilization of United Nations staff at the regional and national levels was also suggested, while others focused on the importance of collaborative work to maximize limited resources and to build relationships of trust between representatives of the United Nations system and national-level actors.

6. Discussion also highlighted the perceived inadequacies of concluding observations. A number of participants expressed concern regarding the abstract nature of concluding observations and suggested the need for drafting more focused and operational recommendations in clear, practical language to facilitate national-

level implementation. While clarity was emphasized by many participants, others stated that general language provided national actors with the latitude required to interpret the recommendations broadly. Several participants underlined the need to create systematic engagement in the reporting process by relevant stakeholders, including National Human Rights Institutions (NHRIs), many of which are actively engaged in the development and implementation of rights-based tools and programming. This could be facilitated by encouraging NHRIs' participation in each stage of the reporting cycle, including the pre-session working groups of the committees, which would directly affect the quality and applicability of recommendations. It was suggested that guidelines should be available to stakeholders outlining how to provide effective inputs to the treaty bodies during the reporting process.

7. It was also suggested that the concluding observations should be viewed as a strategic entry point for engaging with States parties on human rights issues, particularly with line ministries and Members of Parliament, and should be prioritized according to situation analyses undertaken by specialized agencies and national-level actors. Several participants stressed that States parties should be encouraged to request technical assistance, particularly in the initial stages of the reporting process, and where possible, to meet with members of the treaty bodies to establish a basis for ongoing dialogue. The media was identified as having a crucial role in ensuring Government officials follow through on dissemination and implementation of concluding observations.

8. Emphasis was placed on establishing and strengthening NHRIs which should be mandated to monitor and follow-up on implementation of concluding observations. Suggestions for follow-up activities included the establishment of tools such as recommendation-based indicators to evaluate the effectiveness of existing programmes. Participants were also reminded that the mandates of specialized agencies should be considered in the creation of follow-up activities. In light of the importance of these activities and to enhance the quality of dialogue and recommendations, participants agreed that linkages between national institutions, specialized agencies and treaty bodies and among the treaty bodies should be promoted.

9. Treaty bodies were encouraged to continue to harmonize their procedures to strengthen coherence within and among the treaty bodies. They were also encouraged to foster systematic linkages with specialized agencies to maximize the effectiveness of the reporting process. Treaty body representatives underlined the importance of receiving from specialized agencies and field presences concrete and timely inputs connected with specific articles of the human rights treaties to ensure more targeted concluding observations and enhance the quality of the dialogue between committees and reporting States parties. It was suggested that emphasis should be placed on developing system-wide coordination of inputs at the field level, and that recommendations from the treaty bodies should be integrated into national programmes of actions and field-based monitoring and evaluation activities. Treaty body representatives also suggested that specialized agencies and representatives of field presences should strategically utilize their placement at the national level to encourage States parties to submit overdue initial and periodic reports. In addition,

technical cooperation could be offered to States parties in the development of effective follow-up activities, establishment of NHRIs, including offices for ombudspersons, and in providing training and public education activities. An appeal was made to treaty bodies and OHCHR to ensure that follow-up activities are supported with adequate resources. Representatives of specialized agencies also noted the need for support and clear guidance from OHCHR in their efforts to create greater visibility for the committees and their concluding observations and human rights issues, including through the development and dissemination of collaborative tools, guides and studies.

OHCHR field presences and discussion

10. Representatives from four OHCHR field presences (Madeleine Rees for Bosnia and Herzegovina, Anders Kompass for Guatemala, Paulo David for the Pacific region and Maarit Kohonen for Uganda) made presentations focusing on ways in which the concluding observations have been used at the national level and indicated where change could be introduced to enhance the implementability of recommendations.

11. Despite high rates of ratification in some regions, and increased recognition of the importance of human rights as evidenced by the integration of human rights language by diverse groups such as development researchers and NGOs, several participants noted that the constituency of human rights advocates within and outside Governments is generally small and weak, and that implementation is often hampered by political divisions, particularly in post-conflict situations. Representatives also noted that resistance to human rights on the basis that these are Western concepts is strong in some contexts. A perceived weakness of the treaty body system continues to marginalize human rights activities and dilute their impact. This may be exacerbated in places that are politically and geographically isolated.

12. Participants expressed concern at the absence of information on how to provide coherent inputs and enhance coordination among NGOs, specialized agencies, the United Nations Secretariat and the international community. Several highlighted positive collaborative examples where field offices had provided inputs to the treaty bodies which had resulted in targeted recommendations. Strong recommendations have reportedly been useful for Governments and have led to the adoption and amendment of legislation, particularly relating to economic, social and cultural rights. Recommendations also lend credibility to statements made by national-level actors when challenging discriminatory legislation and policies and provide a framework for human rights activities, including independent audits of the human rights situation in particular countries. Recommendations have reportedly raised the visibility of human rights and have been used to develop human rights action plans, often serving as the basis for requests for technical assistance. Visits and investigations undertaken by special procedure mandate holders and treaty body members have reinforced recommendations and provided essential support to the efforts of national actors. A number of participants underscored the need to develop a systemic distribution of treaty body recommendations to specialized agencies and field presences and drew attention to OHCHR's treaty body recommendations list serve in this context.

13. Participants agreed that implementation required strong political will from Governments and an empowered civil society. OHCHR field presences were encouraged to use the concluding observations to initiate human rights dialogue with States parties and to offer technical cooperation. In their absence, other options should be considered, including specialized agencies, country teams and regional representatives. Participants underlined the importance of ensuring that treaty bodies collaborate with field offices and special procedures mandate holders to ensure concluding observations are sufficiently flexible and adaptive to local contexts. Concern was raised that in the absence of these actors, follow-up measures are unlikely to be undertaken.

14. It was suggested that OHCHR, in partnership with treaty bodies, special procedures mandate holders and country teams, should develop an integrated strategy and plan of assessment to understand the nature of violations and the intersections of discrimination at the national level with an objective of ensuring sustainable development based on human rights. This strategy could be supplemented with the establishment of a country engagement strategy which includes technical cooperation activities that are supported by specialized agencies and NGOs. In countries without OHCHR offices, the development of alternative and constructive modules could be considered to establish and sustain local ownership of engagement.

Strengthening the implementation of human rights treaty body recommendations at the national level

15. The framework and achievements of a training project entitled “*Strengthening the implementation of human rights treaty body recommendations at the national level*” was presented to the seminar. The project, sponsored by the European Union, has been implemented by the OHCHR Treaties and Council Branch (TCB) since November 2003. It aims to develop the capacities of national actors, including NHRIs, NGOs and the media, to use the treaty implementation and reporting processes to enhance the enjoyment of human rights at the national level. Training workshops have engaged participants from 23 countries¹ and have been implemented in partnership with national Government representatives, OHCHR field presences and relevant United Nations Country Teams (UNCTs).

16. The project activities have enabled OHCHR to gather country-specific information on experiences with the treaty body system and ways in which concluding observations can be used to enhance the implementation and enjoyment of human rights. The concluding observations have been seen by many participants as a neutral platform to underpin national dialogue on human rights issues. They have also inspired Governments and civil society to undertake new activities, and in some cases, provided civil society with an opportunity to raise specific issues with State authorities. Participants also noted that concluding observations could be strengthened as they were sometimes too general, did not always correspond to the actual situation

¹ Albania, Argentina, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, El Salvador, Georgia, Guatemala, Kenya, Latvia, Mauritius, Mexico, Morocco, Panama, Russian Federation, Rwanda, Sri Lanka, Thailand, Togo, Uganda and Zambia.

on the ground and as they are not legally binding, were rendered “de facto” ineffective by an absence of enforcement.

17. The training project was reported to have helped facilitate national dialogue by constituting treaty body concluding observations as an entry point between all actors and encouraged the creation of groups of actors that actively worked to ensure that the concluding observations remained on the national human rights agenda. The point was made that the treaty body system was sometimes complicated and difficult to comprehend and sometimes entry points into the system for civil society were unclear. Different activities that had been considered as good practices for follow-up or that enhanced implementation were divided into the following five main areas: mechanisms, legislative measures, policies and programmes, training, and awareness-raising.

18. As part of its project activities, OHCHR/TCB, in partnership with the APT, had developed a DVD film and training tool on the work of the treaty bodies. The DVD presented background information on the human rights treaty bodies, their procedures, concepts, and documentation, in an accessible and user-friendly format and is available in English, French and Spanish. The DVD is being translated into Arabic, Chinese and Russian. In addition, OHCHR/TCB is developing an extranet webpage highlighting “good practices” and experiences gained through the project activities. The extranet page will host a discussion forum and exchange of ideas related to best practices in the treaty reporting and implementation processes which will be complemented by a booklet with similar content.

Points of agreement

19. Participants agreed that targeted training and capacity-building should be developed and systematically integrated into the work plans and analyses of the specialized agencies and other bodies to ensure the submission of effective inputs for consideration by the treaty bodies. It was also agreed that concluding observations should be part of the programming, outreach, monitoring, and evaluation activities in the field and that OHCHR should continue and strengthen awareness-raising and capacity-building exercises, as well as follow-up activities for relevant stakeholders, including at the national and regional levels. Participants underlined the need for treaty bodies to include NHRIs in the reporting and implementation process, and to cross-reference other human rights treaties and International Labour Organization standards in the preparation of concluding observations. Participants also suggested that concluding observations should be concise, forward-looking, targeted, timely, time-bound and operational. Agreement was reached that all partners should commit themselves to actively participate in the reporting cycle and foster a sense of ownership at the national level to encourage use of the concluding observations.

What can specialized agencies, funds and programmes do?

20. Targeted training and capacity-building should be developed, with the assistance of OHCHR, and integrated into the work plans of the specialized agencies in a systematized, institutional manner.

21. Specialized agencies are encouraged to provide timely information to ensure that treaty bodies are able to review, assess and integrate these inputs into the reporting process.
22. Concluding observations and the output of human rights mechanisms should be systematically integrated into analyses when establishing policy and programmatic strategies for activities in specific countries.
23. The model of the individual complaints mechanisms of the World Bank should be considered by other UN entities.

What can field presences do?

24. Treaty body reporting processes should be integrated into monitoring and evaluation activities in the field, and used as an opportunity to engage a wide range of national stakeholders (particularly civil society) in the review of the national human rights situation.
25. Field presences should, whenever possible, use concluding observations and treaty processes in programming and outreach.

What can OHCHR do?

26. Awareness-raising activities should be designed to provide targeted information to various actors on how they can effectively participate in an institutional and harmonized manner throughout the treaty body reporting and implementation processes. A set of guidelines on participation and input could be developed and made available to different stakeholders.
27. Awareness-raising and capacity-building activities should include parliamentarians, parliamentary leaders and secretariat staff.
28. More training and sensitization activities for staff of OHCHR field presences, UNCTs and specialized agencies should be undertaken and focus on demonstrating the usefulness and adaptability of concluding observations in the promotion and protection of human rights in the local context.
29. OHCHR regional representatives should continue to organize regional workshops related to concluding observations in order to exchange good practices and assess and enhance implementation.
30. OHCHR, in partnership with other relevant agencies, funds and programmes should increase its capacity to provide technical assistance related to implementation of concluding observations. In this respect, the Board of Trustees of the UNVFTC is encouraged to recommend the allocation of additional resources for such activities.
31. OHCHR should seek ways to strengthen follow-up activities at the national level, including through the allocation of additional resources for these activities.

32. OHCHR, in partnership with specialized agencies, should seek to ensure that recommendations be made part of the evaluation and monitoring processes and programmes in the countries. Indicators which could be used to measure follow-up and implementation at the national level should continue to be developed.

What can treaty bodies do?

33. Participation of NHRIs in the reporting and implementation process should be an integral part of the treaty body process, as follow-up to concluding observations should be central element of the mandate of national institutions.

34. Treaty bodies should consider cross-referencing other human rights treaties and ILO standards in these concluding observations to reinforce the authority and holistic nature of the international legal framework.

35. To increase the input/output ratio of submitted information by all relevant partners and to reinforce the added value of this process, treaty bodies should consider taking inputs into account in the preparation of concluding observations.

36. Concluding observations should be forward-looking, targeted, concrete, timely, time-bound, focused and operational.

37. Concluding observations should be concise, but not prescriptive elaborated recommendations, in order for the specialized agencies to follow-up on issues of their specific interest. Treaty bodies are encouraged to adopt the follow-up procedures that have been developed by some treaty bodies, in particular the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, which request that States parties provide written follow-up information within one year on selected issues. Treaty bodies are encouraged to further harmonize their working methods, in particular with respect to participation of specialized agencies and other entities in the different stages of the reporting and implementation process.

Initiatives requiring joint action

38. All partners should commit themselves to encourage and facilitate active participation in the reporting cycle, including through the provision of concrete, country-specific information to foster a sense of ownership at the national level thereby encouraging follow-up to and use of concluding observations.

39. All partners, in particular UNCTs and OHCHR field presences should increase their efforts to ensure dissemination of concluding observations in general, and in particular, to all line ministries.
