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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session
Item 12 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 1999 and 1 June 2000 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the fifty-second session of the Sub-Commission (E/CN.4/Sub.2/2000/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 2000, 143 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 144 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights, 95 States had ratified or acceded to the Optional Protocol to the latter Covenant and 44 States had ratified or acceded to the Second Optional Protocol aiming at the abolition of the death penalty. On 27 March 2000, the Government of Trinidad and Tobago notified the Secretary-General of its decision to denounce the Optional Protocol. In accordance with article 12 of the Protocol, the denunciation of Trinidad and Tobago will take effect on 27 June 2000. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 97 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its sixty-sixth, sixty-seventh and sixty-eighth sessions, held in July and October-November 1999 and March 2000, respectively, the Committee considered 14 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

4. At the three sessions, the Committee also adopted 22 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 5 decisions declaring complaints admissible and 19 decisions declaring complaints inadmissible. Four cases were discontinued without the Committee issuing a formal decision.

5. A report on the Committee's sixty-fourth to sixty-sixth sessions was submitted to the General Assembly at its fifty-fourth session (A/54/40) and a report on its sixty-seventh to sixty-ninth sessions will be submitted to the General Assembly following the Committee's sixty-ninth session in July 2000.

Committee on Economic, Social and Cultural Rights

6. At its twenty-first and twenty-second sessions, held in November-December 1999 and in April-May 2000, respectively, the Committee considered reports submitted by eight States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, as well as the situation in one country in the absence of a report from that State party. The Committee subsequently adopted its concluding observations thereon.

7. At its twenty-first and twenty-second sessions, as a follow-up to the days of general discussion on the right to education and the right to health, the Committee adopted General Comments No. 13 (1999) on the right to education (art. 13 of the Covenant) and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), respectively. Both general comments were drafted in conformity with the "Outline for drafting general comments on specific rights of the International Covenant on Economic, Social and Cultural Rights", which was formally adopted by the Committee at its twenty-first session (E/2000/22-E/C.12/1999/11, annex IX). The Committee expressed its particular appreciation to UNESCO and WHO for their cooperation with the Committee and their constructive contribution to the drafting of general comments at all stages of the drafting process.

8. At its twenty-first session, the Committee reiterated its request addressed to the Office of the High Commissioner for Human Rights (OHCHR) to consider the possibility of organizing a workshop to identify key right to education benchmarks and indicators which might be utilized by the Committee and by other United Nations treaty bodies and human rights organs, and United Nations specialized agencies and programmes. The workshop participants should include representatives of the Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, UNESCO, UNICEF, WHO and UNDP. The Committee considered that such a workshop might be the first of a series of meetings designed to identify key benchmarks and indicators in relation to each of the rights in the Covenant.

The Committee's "Proposal for a workshop on indicators, benchmarks and the right to education" is contained in the report of the Committee on its twentieth and twenty-first sessions (E/2000/22-E/C.12/1999/11, annex VIII).

9. Also at its twenty-first session, the Committee adopted a "Statement of the Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization", in which the Committee, *inter alia*, urged WTO to undertake a review of the full range of international trade and investment policies and rules in order to ensure that these are consistent with existing treaties, legislation and policies designed to protect and promote all human rights (E/2000/22-E/C.12/1999/11, annex VII).

10. The Committee's report on its twentieth and twenty-first sessions (E/2000/22-E/C.12/1999/11) will be before the Economic and Social Council at its substantive session of 2000 in July.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

11. As at 1 June 2000, 156 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. Thirty States parties had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of violation by those States parties of any of the rights set forth in the Convention.

Committee on the Elimination of Racial Discrimination

12. During its fifty-fifth and fifty-sixth sessions, held in August 1999 and March 2000 respectively, the Committee considered reports submitted by 24 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in four States parties whose reports were seriously overdue and adopted three decisions under its early-warning and urgent procedures.

13. The Committee discussed the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at each of its sessions. At its fifty-fifth session, the Committee adopted decision 5 (55), in which it gave suggestions as to the issues which could be included in an eventual plan of action for the Conference and listed a number of materials that the Committee could prepare to meet the needs of the Conference and the Preparatory Committee.

General Assembly

14. A report on the Committee's fifty-fourth and fifty-fifth sessions was submitted to the General Assembly at its fifty-fourth session (A/54/18) and a report on the Committee's fifty-sixth and fifty-seventh sessions will be submitted to the General Assembly at its fifty-fifth session following the Committee's fifty-seventh session in August 2000.

Commission on Human Rights

15. At its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/14 on 17 April 2000, in which it addressed, *inter alia*, the International Convention on the Elimination of Racial Discrimination. The Commission on Human Rights appealed to States that had not yet done so to consider ratifying or acceding to the Convention; recommended that the issue of universal ratification of the Convention, as well as reservations thereto, and the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; called upon States parties that had not submitted initial or periodic reports in accordance with article 9 of the Convention to do so; urged States parties to limit the extent of any reservations they lodged to the Convention; called upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance; requested States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention; and invited States parties to ratify the amendment to article 8 of the Convention dealing with the financing of the Committee.

16. The Commission on Human Rights again invited the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

17. As at 1 June 2000, the Convention had been ratified or acceded to by 119 States.

Committee against Torture

18. The Committee submitted a report on its twenty-first and twenty-second sessions to the General Assembly at its fifty-fourth session (A/54/44). At its twenty-third and twenty-fourth sessions, held from 8 to 19 November 1999 and from 1 to 19 May 2000, respectively, the Committee against Torture considered 15 reports submitted by States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. The Committee publicly announced that it had completed an inquiry. Furthermore, at its two sessions, the Committee considered a total of 24 communications. It took decisions to declare one communication admissible and six inadmissible. In addition, the Committee adopted views in respect of 11 communications and discontinued 6 communications. A report on the Committee's twenty-third and twenty-fourth sessions will be submitted to the General Assembly at its fifty-fifth session.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

19. At its twenty-second, twenty-third and twenty-fourth sessions, held in September-October 1999, January 2000 and May-June 2000 respectively, the Committee considered 17 initial and 6 periodic reports submitted under article 44 of the Convention on the Rights of the Child.

20. At its twenty-second session, in view of the commemoration of the tenth anniversary of the adoption by the General Assembly of the Convention on the Rights of the Child in 1989, the Committee co-organized, with the Office of the High Commissioner for Human Rights, a two-day meeting entitled "The Convention on the Rights of the Child: a decade of achievements and challenges". Representatives of States parties, United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, and children contributed to the discussion and provided expert advice.

General Assembly

21. At its fifty-fourth session, the General Assembly, in its resolution 54/149, took note of the important role of the Committee on the Rights of the Child in creating awareness of the Convention and providing recommendations to States parties on its implementation; called upon States parties to take appropriate measures so that acceptance of the amendment to the Convention on the Rights of the Child by a two-thirds majority of States parties could be reached as soon as possible; and further called upon States parties, in accordance with their obligations under article 42, to make the principles and provisions of the Convention widely known to adults and children alike. It also requested the Secretary-General to submit to the Assembly at its fifty-fifth session a report on the rights of the child, containing information on the status of the Convention and the problems addressed in the resolution, which focused, among other things, on children with disabilities, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, the protection of children affected by armed conflict, refugee and internally displaced children, the progressive elimination of the exploitation of child labour and the plight of children living and/or working on the streets.

Commission on Human Rights

22. The Commission, at its fifty-sixth session, adopted resolution 2000/85 on the rights of the child, in which it addressed the implementation of the Convention on the Rights of the Child; protection and promotion of the rights of children, including such issues as identity, family relations and birth registration, health, education, freedom from violence; non-discrimination, including in respect to the girl child, children with disabilities, migrant children; protection and promotion of the rights of children in particularly vulnerable situations, including children working and/or living on the street, refugee and internally displaced children, progressive elimination of child labour, children alleged to have or recognized as having infringed penal law; prevention and eradication of the sale of children, child prostitution and child pornography; protection of children affected by armed conflict; recovery and social reintegration.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

23. The chairpersons of the human rights treaty bodies held their eleventh and twelfth annual meetings from 31 May to 4 June 1999 and from 5 to 8 June 2000, respectively, at the United Nations Office at Geneva. The reports of these meetings containing the suggestions and

recommendations of the chairpersons will be submitted to the General Assembly at its fifty-fifth session. (The report of the eleventh meeting is contained in the annex to document A/54/805; the report of the twelfth meeting has not yet been issued.)

24. Representatives of the Sub-Commission on the Promotion and Protection of Human Rights were invited to present the recent developments in the work of the Sub-Commission that were relevant to the work of the treaty bodies and to discuss possible areas of cooperation. The Sub-Commission was represented at the eleventh and twelfth meetings by Mr. Fisseha Yimer and Mr. Asbjørn Eide, respectively. In addition, the chairpersons of treaty bodies discussed at both meetings a wide range of issues related to their functioning and coordination, including with representatives of States, United Nations agencies, funds and programmes and non-governmental organizations. They also held a joint meeting with the mandate-holders of special procedures of the Commission on Human Rights which resulted in recommendations aimed at improving information exchange and coordination.

25. In accordance with its resolution 53/138 of 9 December 1998, the General Assembly will consider the question of effective implementation of international instruments on human rights at its fifty-fifth session.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

26. The Convention, which was adopted by the General Assembly in 1990, will enter into force when 20 States have ratified or acceded to it. As at 1 June 2000, 12 States (Azerbaijan, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka and Uganda) had ratified or acceded to the Convention and three other States (Bangladesh, Chile and Turkey) had signed it.

27. In its resolution 54/158 of 7 December 1999, the General Assembly called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and welcomed the decision of the Commission on Human Rights, in its resolution 1999/44 of 27 April 1999, to appoint a Special Rapporteur on the human rights of migrants.

28. The Commission on Human Rights, at its fifty-sixth session, adopted a similar resolution (2000/49) on 25 April 2000.
