

Distr.
GENERAL

A/CONF.157/TBB/4
16 June 1993

Original: ENGLISH

WORLD CONFERENCE ON HUMAN RIGHTS
Meeting of the Chairpersons of
International and Regional
Human Rights Treaty-based bodies
Vienna, 15-16 June 1993
Agenda item 12 (c)

RECOMMENDATIONS FOR ENHANCING THE EFFECTIVENESS OF
UNITED NATIONS ACTIVITIES AND MECHANISMS

Vienna Statement of the International Human Rights
Treaty Bodies

The representatives of the international human rights treaty bodies 1/ meeting together for the first time, on 15-16 June 1993, on the occasion of the second World Conference on Human Rights in Vienna, have adopted the following Vienna Statement.

A. General Principles

1. Effective implementation of the human rights treaty obligations assumed by States is indispensable for the promotion and protection of human rights. As the Secretary-General of the United Nations stated in opening the World

1/ The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the African Commission on Human and Peoples' Rights, the European Commission and the European Court of Human Rights, the European Committee for the Prevention of Torture, the Inter-American Commission and the Inter-American Court of Human Rights, and the ILO Committee on the Application of Conventions and Recommendations represented by the International Labour Office.

Conference, human rights treaty guarantees which remain theoretical or are constantly violated will discredit the very notion of human rights and international accountability.

2. Universal ratification of the six core United Nations treaties (the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child) by the year 2000, at the latest, is of the utmost importance. In addition, the regional human rights treaties, and the basic human rights conventions of the ILO, should be ratified by all States concerned.

3. While the universality of human rights principles has been clearly recognized by the international community, this recognition remains problematic in the case of States which have not accepted the obligations flowing from the core treaties. Commitments by States to respect human rights remain inadequate and incomplete unless they are underpinned by the acceptance of international treaty obligations and of the accountability mechanisms which they establish and by the adoption of measures for the implementation of these obligations both in law and in practice.

4. The indivisibility of human rights - whether civil, political, economic, social or cultural - is a fundamental tenet of the international human rights system.

5. The various international bodies entrusted with responsibility for supervising compliance with international human rights treaties, whether they be in the form of Courts, Commissions or Committees, form part of an overall international system for the promotion and protection of human rights. They should, to the greatest extent possible, view their activities in that context and seek to ensure that they contribute to the shared objective of developing an effective system to maximize respect for human rights throughout the world.

B. Specific Issues

6. It is essential that States which have accepted international treaty obligations should comply fully with those obligations. In particular, the submission of reports to international supervisory bodies, as required by the relevant treaties, must be accomplished in a regular and timely manner. Failure to report as required constitutes a violation of international obligations. Delinquency in reporting should not lead to immunity from review and accountability. Such immunity amounts to the application of a double standard and, in effect, penalizes those States which fulfil their obligations as required.

7. States parties which experience difficulties in preparing and submitting their reports should seek assistance from the Advisory Services Programme of the United Nations, or any other relevant international organization. In the absence of either a report or a request for advisory services, each treaty body should set a time limit within which it will proceed to review the state

of implementation of the relevant obligations by the State party concerned. Such a review should proceed on the basis of all available sources of information.

8. The provision of resources sufficient to enable the various treaty bodies to perform the functions which have been entrusted to them is an obligation of the United Nations and of the other relevant international organizations. In recent years, within the United Nations, a dramatic growth has been witnessed in the number of treaty bodies, the number of States parties to the relevant treaties, and the range of functions performed by those bodies. These developments have not, however, been matched by appropriate financial or staff resource allocations.

9. Within the United Nations Centre for Human Rights, there are currently ten persons (at professional level) available to service six treaty bodies and three communications procedures, to provide information and advice to more than 160 different States parties, 2/ to participate in an ever-increasing range of international meetings, to solicit, receive and process the information base, on which the effectiveness of the treaty bodies is largely dependent, and to perform myriad other related functions. A similar situation applies in relation to the Division for the Advancement of Women which services the Committee on the Elimination of Discrimination against Women. It is imperative that the number of professionals in the Centre for Human Rights be increased to a minimum of thirty professionals if the treaty supervisory system is to function efficiently and effectively. In addition, the resources available to support the other responsibilities of the Centre for Human Rights must also be increased.

10. If regional machinery is to be meaningful, the availability of the resources necessary to enable the Commission to function effectively must be assured. In particular, the resources currently available to the African Commission on Human and Peoples' Rights are grossly inadequate.

11. International monitoring of treaty obligations is designed to assist States parties in fulfilling the obligations they have voluntarily undertaken. Such monitoring is therefore incomplete unless accompanied by adequate follow-up measures. Each treaty body should develop a follow-up procedure to monitor the action taken by States in response to its views, opinions, decisions or judgments. Follow-up measures should also be taken by both the international community and the State party concerned. Those measures should include the widespread dissemination of the results of the dialogue between the State party and the relevant treaty body, and the provision of technical assistance to States in order to enable them to address specific needs which emerge from the examination of their reports. Where appropriate, the undertaking of visits by the treaty body, or its representatives, to the State concerned could perform a very valuable follow-up function. Such visits can play a

2/ This includes those States that have ratified at least one of the six core United Nations human rights treaties.

vital role in developing a fuller understanding between the State party and the treaty body and should be facilitated by States to the greatest extent possible.

12. States that have accepted the competence of expert Committees and Commissions to examine complaints by individuals or groups should promptly comply with the relevant decisions and recommendations, and inform the treaty body concerned accordingly. The existing system of individual complaints to international treaty bodies should be developed in order to make it applicable to a broader range of human rights. Every effort should also be made to encourage all States to accept the application of international petition procedures within their jurisdictions.

13. Efforts to promote greater coordination among the various international treaty bodies should be accorded high priority. Failure to do so risks wasteful duplication of activities and the adoption of divergent interpretations of comparable norms because of lack of information as to the approach adopted by other bodies. Each treaty body should be aware of, and wherever appropriate refer to, the relevant jurisprudence of other treaty bodies.

14. In order to facilitate coordination and the use of such routine cross-referencing, a variety of measures should be adopted:

(a) A focal point for the provision of information on jurisprudential matters should be designated by each of the relevant international secretariats;

(b) The Centre for Human Rights should establish, as a matter of the utmost priority, a Documentation and Information Unit; States should provide the assistance and resources necessary for this purpose;

(c) Exchanges of secretariat members should be encouraged;

(d) A meeting of experts and technical advisers from the United Nations, the ILO, UNESCO and each of the relevant regional organizations should be convened to promote the establishment of coordinated access by all treaty bodies to all appropriate human rights-related data bases;

(e) Regular meetings should take place between members of the treaty bodies, as well as their secretariats, to exchange information and discuss matters of common interest. At a minimum, one such general meeting should be convened each year, to be hosted in turn by each of the organizations concerned;

(f) The United Nations should ensure that, for its part, financial arrangements are put in place to facilitate such exchanges.

15. The number and scope of reservations made to human rights treaties, particularly in recent years, provide cause for grave concern. States should seek to minimize the extent of any reservations they lodge, to seek to formulate reservations as precisely and narrowly as possible, to ensure that

none is incompatible with the object and purpose of the relevant treaty, and to review regularly any reservations with a view to withdrawing them. Other States parties, as well as the treaty bodies, should keep reservations under review and address the issue in their dialogue with relevant State parties. Where appropriate, advisory opinions should be sought from the relevant international court.

16. The active cooperation of non-governmental organizations is essential to enable the treaty bodies to function in an informed and effective manner. They have important roles to play in: scrutinizing States party's reports at the national level; providing information to treaty bodies; assisting in the dissemination of information; and contributing to the implementation of recommendations by the treaty bodies. An NGO Liaison Unit should be established by the Centre for Human Rights to facilitate effective outreach by the treaty bodies to NGOs.

17. The treaty bodies cannot fulfil their functions effectively if information about their activities is confined to Governments. For that reason, efforts must be made to present their activities in ways that are accessible to the community at large. The relevant instruments should be made available in as many local languages as possible. The treaty and important decisions pertaining to it should also be made accessible in simple terms. Information should be provided as to how communications can be submitted wherever the relevant procedures are applicable.

18. Information about the treaties and the accompanying procedures should be made available to community groups not only by Governments but also through national institutions, NGOs, schools, the press and other relevant media. Indeed, the effective performance of their obligations by States parties requires that a concerted effort be made to educate their citizens and others affected about their rights. Education on human rights and for democracy is an essential element of an effective overall human rights strategy.

19. States parties should ensure that human rights training is provided on a systematic and continuing basis to State and other relevant officials. The same applies to international organizations, including especially the United Nations, in relation to the work of international officials. Human rights education and training within the United Nations system is currently highly inadequate. Agencies such as the United Nations Development Programme, the World Bank, the International Monetary Fund and many others, as well as officials responsible for peace-keeping, election monitoring and other such activities, should receive human rights training.

20. In all situations in which human rights obligations have been breached by the State or its agents (actual or imputed), appropriate means of rehabilitation and redress should always be provided to the victim and measures taken to ensure that such breaches do not occur again.

SPECIFIC RECOMMENDATIONS WHICH THE WORLD CONFERENCE IS
REQUESTED TO REFLECT IN ITS PROGRAMME OF ACTION

1. Universal ratification of the six core United Nations treaties should be achieved by the year 2000, at the latest.
2. States should minimize the extent of any reservations they lodge, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them.
3. The existing system of individual complaints to international treaty bodies should be more widely ratified and be further developed in order to make it applicable to a broader range of human rights.
4. Full and effective compliance with international treaty obligations is an essential component of an international order based on the rule of law. Failure to comply, including a failure to report as required, constitutes a violation of international law.
5. The World Conference calls upon the General Assembly to ensure the provision of sufficient resources to enable the various treaty bodies to perform the functions which have been entrusted to them. For this purpose, a minimum of 30 professional posts should be provided to the Centre for Human Rights and adequate resources provided for the Division for the Advancement of Women. The availability of the resources necessary to enable the regional supervisory and enforcement organs to function effectively must also be assured. The World Conference expresses particular concern about the lack of resources available to the African Commission on Human and Peoples' Rights and calls for urgent measures to improve this situation.
6. Regular meetings between international and regional treaty bodies should be held.
7. Human rights education and training should be provided to the officials of all relevant international agencies, including those responsible for development cooperation, peace-keeping and election monitoring.
