

# HUMAN RIGHTS TREATIES DIVISION

## NEWSLETTER NO. 12

APRIL - MAY - JUNE 2011



### IN THIS ISSUE

You may also wish to distribute this newsletter within your own networks

**Editorial: Message From The Director** 1

#### EVENTS

##### Treaty Body Strengthening Process

*“There should be a transparent selection procedure open for everybody at national level” to guarantee independence and expertise of treaty body members*

**Interview with Mr. Zdenek Hajek, Vice-Chair of the Subcommittee on Prevention of Torture** 3

**Nairobi Workshop: Incitement to national, racial or religious hatred** 5

**World Press Freedom Day** 6

#### TREATIES

**CRC: Human Rights Council adopts Optional Protocol on a Communications Procedure** 8

**CED: First Meeting of States parties elects members of the new Committee** 8

**SPT: First visit to Ukraine** 9

**CESCR: Statements on ‘the right to development’ and on ‘the corporate sector’** 10

**CCPR: Statement on ‘the Pakistan’s reservation to article 40 ICCPR’** 10

#### CURRENT DEVELOPMENTS

**The Gambia: Training on reporting to treaty bodies** 11

**Indonesia and Vietnam: Capacity building workshops on treaty bodies** 12

**São Tomé e Príncipe : Training on human rights mechanism** 12

#### MISCELLANEOUS

**International Court of Justice: Decision in the case ‘Georgia vs. Russia Federation’** 13

**Ratification status** 14

**New reports** 15

**Info on the Human Rights Treaties Division** 18

**Useful tools and links** 19

### MESSAGE FROM IBRAHIM SALAMA, DIRECTOR OF HUMAN RIGHTS TREATIES DIVISION

#### THE TREATY BODY STRENGTHENING PROCESS: PROGRESS AND CHALLENGES



*Ms. Navi Pillay, High Commissioner and Mr. Ibrahim Salama, in Sion Consultation with States parties (12-13 May 2011) © OHCHR/Danielle Kirby*

In 2009 the High Commissioner for Human Rights Navi Pillay speaking at the Human Rights Council invited States and other relevant stakeholders to initiate a process of reflection on how to streamline and strengthen the treaty body system. At the opening of the recent Sion Consultation with States parties in May 2011, the High Commissioner explained the need for such a strengthening process stating that:

"Today the reality of the treaty bodies is that with the (...) 10th treaty body (on enforced disappearances), the system is close to – if not already at - its limits both in terms of coherence and sustainable functioning within currently available resources." She indicated that "with respect to resourcing, it is clear that the growth in volume and workloads has not been matched with adequate funding of the system especially in terms of treaty body activities that are necessary to fulfil their mandates, staffing and documentation."

The informal consultation with States parties in Sion (Switzerland) gathered representatives of 84 States parties joined by all nine treaty bodies' Chairs (or their representatives). Discussions were organized around five panels. Participants shared experiences, expectations and suggested ways of strengthening the work of treaty bodies. The five themes were as follows: preparation of State parties' reports, dialogue with the treaty bodies, implementation of treaty bodies outputs, independence of treaty bodies' members and resourcing of the system. On the latter, two very interesting background papers were prepared by OHCHR (available on our website <http://www2.ohchr.org/english/bodies/HRTD/SionConsultation.htm>). The High Commissioner for Human Rights Navi Pillay participated in the two days consultation.



*Sion Consultation with States parties (12-13 May 2011) © OHCHR/Danielle Kirby*

Recently a new informal consultation was held in June 2011 with civil society organizations in Pretoria (South Africa) on 20-21 June. The consultation, hosted by the Centre for Human Rights at the University of Pretoria, built on the Seoul consultation held in April 2011 and gathered a number of grass root civil society organizations from all regions that expressed their views on the ways of strengthening the working methods of the treaty bodies. The Pretoria Statement adopted by participants to the meeting is available on our Website and open for endorsement by interested NGOs until 15 August 2011.

While more consultations are yet to take place (with academic entities, UN agencies and regional mechanisms), a list of emerging proposals emanating from the various events has been prepared. This list constitutes a useful tool providing all stakeholders interested in the treaty body strengthening process with elements for reflection. Given the impossibility of radical

changes, these emerging proposals will constitute a series of small steps. However, such small steps can make a difference if they are comprehensive, pursued with determination, interlinked in a logical framework and viewed as a package.

I wish to take this opportunity to thank those who have contributed to this process and invite those interested to put forward more ideas and thus provide additional elements that will enrich the report which the High Commissioner intends to launch in early 2012. The participation of everyone is essential for the success of this process.

More information on this consultation process can be found at: <http://www2.ohchr.org/english/bodies/HRTD/index.htm> ■



*Seoul Consultation (April 2011) © OHCHR*



*Pretoria Consultation with civil society organizations (20-21 June 2011) © OHCHR*

## "THERE SHOULD BE A TRANSPARENT SELECTION PROCEDURE OPEN FOR EVERYBODY AT NATIONAL LEVEL" TO GUARANTEE THE INDEPENDENCE AND EXPERTISE OF TREATY BODY MEMBERS

### MR. ZDENEK HAJEK, VICE-CHAIRPERSON OF THE SPT



*Mr. Zdenek Hajek with Ms. Yanghee Lee, Chairperson of the Committee on the Rights of the Child during the break at the Sion Consultation with States parties (12 – 13 May 2011) © OHCHR/Danielle Kirby*

**1. You took part in the informal technical consultation held in Sion in May 2011, on the Treaty Body strengthening process. Can you share with us your impression of the meeting?**

I think it was a very positive experience. In particular, because it gave us treaty bodies' Chairs and Members a unique opportunity of interaction with States parties' representatives. We had a chance to explain in details about what we are doing or are planning to do in order to further improve the effectiveness of the treaty body system, and receive from the States' representatives their views and proposals on how they see the strengthening process. While some were critical of our working methods, it is good to note that most of the 84 States' representatives who were at the consultation gave their full support to the strengthening of the treaty bodies, including the innovations being discussed by the treaty bodies' members themselves and the civil society organizations so far, in terms of the harmonization of their methods of work.

**2. During the Sion Consultation you were in the panel that discussed the implementation of treaty bodies' outputs and the impact on the protection of rights holders. Can you briefly outline your presentation and the most relevant points brought up during that panel? How does the problem of implementation of treaty bodies' outputs affect the Subcommittee on Prevention of Torture (SPT) concretely?**

My presentation in that panel was about the specificity of the work done by the SPT. I reminded States' representatives that the SPT had a particularity of collecting and drafting its recommendations exclusively on the basis of in-country visits, and

that unlike the other treaty bodies, it had no mandate to review reports from States parties.

I mentioned that in my view the necessary precondition for a good, timely and efficient implementation of the recommendations was their quality. I told the audience that I thought that treaty bodies should strive to prepare recommendations that are short, concrete and realistically implementable, and that take into account the specificity of the countries concerned. I also told the audience that I thought it was useful not only to talk about what should be done, but also to offer suggestions to the States on how practically to achieve the realization of the recommendations, in order to help the State party concerned to set up priorities and timetables for implementation.

**3. How do you see the relationship between the SPT and other treaty bodies, in particular the Committee against Torture (CAT)? How does the SPT contribute to the implementation of human rights norms at national level?**



Mr. Zdenek Hajek and the Representative of the Lebanon Mission at the Sion Consultation with States Parties © OHCHR/Danielle Kirby

The SPT is an integral part of the treaty body system, for this reason it tries to support them in its reports, by using related recommendations and positions of these treaty bodies. The CAT is naturally the closest treaty body. The Optional Protocol to the Convention against Torture (OPCAT) mandates closer cooperation with the CAT. In practice the SPT is a self standing treaty body, but which works in close relationship with the CAT, and uses its recommendations on concrete States while preparing the visits. It also supports the CAT as a kind of follow-up mechanism to the CAT recommendations with regard to specific countries visited. For its side the CAT encourages in its recommendations relevant States parties to join the OPCAT family and to publish the SPT reports. There is also informal exchange of some information among the two bodies, taking due consideration of the principle of confidentiality that permeates the work of the SPT.

**4. What in your opinion would be the best method to improve implementation of the recommendations of treaty bodies? Do you think that a visiting mechanism should be established in relation to all human rights treaties? Do you think States would support this?**

As I already mentioned, first of all, the treaty bodies should work on improving the quality of the recommendations, make them concise, realistically implementable and tailored to the specifics of the State, concentrate not only on proposing things to do, but also on how to do, what to prioritize and like this to help States in their implementation tasks.

On the question, whether to have similar visiting mechanisms in relation to all international human rights treaties. Generally, I do not think that this is necessary or practicable for all cases, because much depends on the nature of the rights requiring protection. For example, a similar mechanism of regular visits might be useful to monitor the implementation of the newest International Convention for the Protection of all Persons from Enforced Disappearance. However, I do believe that some form of

*ad hoc* mechanisms using the human resources already available to the existing treaty bodies is something that could be developed in relation to all international human rights treaties. These mechanisms would be used to conduct such consultations (on a case by case basis and when the need arises), with the relevant States parties, including the possibility of paying a visit to the State parties concerned.

**5. Could you share with us any thoughts on how to guarantee the “independence and expertise of treaty body members”? In light of the fact that the SPT is the treaty body with the biggest number of members, how in your opinion does an expanded membership brings added value to your work?**

I think there should be a transparent selection procedure open for everybody at national level, including for the civil society engagement.



Mr. Zdenek Hajek and the Representative of Costa Rica Mission at the Sion Consultation with States Parties © OHCHR/Danielle Kirby

I think the expanded membership of the SPT brought wider expertise and desired diversity of experiences, all extremely useful for our work. But unfortunately lack of sufficient financial and human resources obstruct the possibility of carrying out more visits. As a result, the membership has expanded, but the number of visits we can carry on per year has remained practically the same... ■

## NAIROBI WORKSHOP ON INCITEMENT TO NATIONAL, RACIAL OR RELIGIOUS HATRED

As we had conveyed in the previous newsletter, the Office of the High Commissioner for Human Rights is organizing, this year, a series of expert workshops in the various regions on the prohibition of incitement to national, racial or religious hatred. These workshops aim at gaining a better understanding of legislative patterns, judicial practices and policies with regard to the concept of incitement to national, racial or religious hatred, while also ensuring full respect for freedom of expression as outlined in articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR).



On 6 and 7 April, the expert workshop for the Africa region took place in Nairobi, Kenya. This expert-led event enjoyed the participation of a number of civil society representatives, Member States, and other international or regional organizations. In her opening video address to the workshop, UN High Commissioner for Human Rights Ms. Navi Pillay, stressed that genocide constitutes the ultimate form of discrimination and racial hatred, and added that “in international law, as well as in the jurisprudence of most national courts, it has been clearly stated that well-defined and narrowly limited classes of speech, such as the hate messages transmitted by Radio Mille Collines [in Rwanda], should be legitimately restricted in order to safeguard against these transgressions”.

In the discussions at the workshop, experts noted that incitement to violence and hatred had been present in most of the armed and political conflicts in Africa for the past 20 years. The experts also highlighted that a major challenge in some African countries was to contain the negative effects of assimilating ethnic and religious identities which has resulted in different groups in society being pitched against each other.

Experts also found that the majority of African national legal systems do not contain clearly formulated provisions related to freedom of expression and incitement to hatred. Furthermore, a number of African countries have incorporated vague and new categories of restrictions to freedom of expression.

One of the responses suggested by the experts was to take comprehensive action. This would include the adoption of an adequate legal framework but also education programmes and other initiatives within society. Furthermore, capacity needs to be built to better guide the legislative drafting process and the work of the judiciary, as well as to better inform the adoption of relevant policies. The media should also be encouraged to self-train on the issue of incitement to hatred and to self-regulate. Such actions would require strengthened institutions

combined with independent monitoring and data collection systems at the national, regional and international levels, as well as the participation of civil society, the experts added.

A detailed report of all workshops, reflecting the discussions and suggestions made, will be published at a later stage. ■

### TO READ AND LEARN MORE

Information about the various events can be found at :[http://www2.ohchr.org/english/issues/opinion/articles1920\\_iccpr/](http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/)

## WORLD PRESS FREEDOM DAY 2011: FREEDOM OF EXPRESSION – CHANGING WORLD, UNCHANGED RIGHT

Since the UN General Assembly in 1993 declared May 3 the World Press Freedom Day, this day has been celebrated worldwide to raise awareness of the importance of freedom of the press and to remind Governments of their obligations to respect and uphold the right to freedom of expression. May 3 also marked the adoption, in 1991, of the *Windhoek Declaration* by participants of a UNESCO seminar on 'Promoting an Independent and Pluralistic African Press'. This explains this year's celebration at Palais des Nations held under the theme "Twenty years on from the *Windhoek Declaration: Freedom of the Press in a changed world*". The High Commissioner for Human Rights delivered the key note speech at the event, followed by a panel discussion with representatives from UNESCO, BBC, Amnesty International and the media.

Freedom of the press is both an essential component of and prerequisite for freedom of expression as guaranteed by articles 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The *Windhoek Declaration* rightly opens with reference to article 19 of the UDHR, noting that "the establishment, maintenance and fostering of an independent, pluralistic



World Press Freedom Day 2011, on 3 May 2011. Event organised by OHCHR, UNOG and UNESCO © OHCHR

### Article 19 (ICCPR)

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

and free press is essential to the development and maintenance of democracy in a nation, and for economic development".<sup>1</sup>

In this connection and against the backdrop of the recent pro-democracy movements in North Africa and the Middle East, the High Commissioner, Ms. Navi Pillay, drew the audience's attention to the role of today's modern information technology and social media as "extraordinarily powerful communication tools" to disseminate information

and mobilize the population in the quest for political change. The High Commissioner recalled, in this vein, that article 19

<sup>1</sup> Windhoek Declaration, paragraph 1.



# TREATIES:

## COMMITTEE ON THE RIGHTS OF THE CHILD:



### THE HUMAN RIGHTS COUNCIL ADOPTS OPTIONAL PROTOCOL THREE TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON A COMMUNICATIONS PROCEDURE

On 17 June 2011, the Human Rights Council adopted without a vote the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure, and recommended for adoption by the UN General Assembly later in the fall. The signing ceremony is expected early 2012. This Optional Protocol establishes a full complaints procedure for the CRC, giving its Committee the right to receive individual communications, conduct inquiry visits to States parties and handle inter-states complaints. ■

#### TO READ AND LEARN MORE

Full text of the final draft of the Optional Protocol is currently available as Annex to the draft resolution of the Human Rights Council (A/HRC/17.L.8). The draft resolution can be searched through the UN Official Document System under <http://documents.un.org/>

To preside over the first meeting of States parties, the meeting elected Mr. Jorge Martín Arturo Argüello (Argentina) as Chairperson as well as the following three Vice-chairs: Mr. Hamid Al Bayati (Iraq); Ms. Béatrice Le Fraper du Hellen (France) and Ms. Admira Jorgji (Albania).

In accordance with article 26 of the Convention, States parties elected by secret ballot the following ten members of the new Committee on Enforced Disappearances: Mr. Mohammed Al-Obaidi (Iraq), Mr. Mamadou Badio Camara (Senegal), Mr. Emmanuel Decaux (France), Mr. Alvaro Garcé García y Santos (Uruguay), Mr. Luciano Hazan (Argentina), Mr. Rainer Huhle (Germany), Ms. Suela Janina, (Albania), Mr. Juan José López Ortega (Spain), Mr. Enoch Mulembe (Zambia), and Mr. Kimio Yakushiji (Japan). The list of candidates and their curricula vitae can be found on the website of the new Committee.

During the same meeting a panel discussion sponsored by Argentina, France and the Office of the High Commissioner for Human Rights, entitled 'The International Convention on Enforced Disappearance: ending impunity and preventing new victims', was also held with the aim to raise the visibility and promote ratification of the Convention. The moderator for the



Secretary-General Hears Mother of Argentinean "Desparecido" Tell Story  
– 13 June 2011 UN Photo/Evan Schneider

event was Ms. Béatrice Le Fraper du Hellen (France) and panelists included Ms. Estela Carlotto (Grandmothers of Plaza de Mayo), Mr. José Luis Díaz (Amnesty International), Mr. Aisling Reidy (Human Rights Watch/ International Coalition against Enforced Disappearances) and Mr. Robert Young (International Committee of the Red Cross). In her closing remarks, the Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang, recognized the Convention as a powerful instrument against impunity and encouraged States to promote its use for victims and their families in seeking justice, truth and reparations. ■

#### TO READ AND LEARN MORE

Additional information on the Committee on Enforced Disappearances as well as the first meeting of States parties to the Convention is available at: [http://www.ohchr.org/EN/HRBodies/CED/Pages/Elections2\\_011.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/Elections2_011.aspx)

## COMMITTEE ON ENFORCED DISAPPEARANCES:

### CONFERENCE OF STATES PARTIES HOLDS FIRST MEETING AND ELECTS THE FIRST TEN MEMBERS OF THE NEW UN COMMITTEE

The first meeting of the States parties to the International Convention for the Protection of All Persons from Enforced Disappearance was held on 31 May 2011 at the United Nations Headquarters in New York. The main purpose of the meeting was to elect the first ten members of the Committee on Enforced Disappearances (CED). ■



*SPT First visit to Ukraine © OHCHR*

## SPT CONCLUDES ITS FIRST VISIT TO UKRAINE

The Subcommittee on Prevention of Torture (SPT) carried out a visit to Ukraine from 16 to 25 May 2011. This was the twelfth visit by the SPT since its establishment in 2007 and its first visit since the expansion of its membership from 10 to 25 members. During this ten-day long visit, the SPT visited prisons and other places of detention in the regions of Donetsk, Kyiv, Lviv, and Zakarpatie, covering eastern and western parts of the country, in addition to the capital.

Throughout the visit, the SPT had the opportunity to explore the treatment of persons deprived of their liberty in Ukraine, and the safeguards for their protection against torture and ill-treatment. The SPT conducted private and confidential interviews with prison inmates, pre-trial detainees and other persons deprived of their liberty. In addition, the SPT also meet with the relevant national authorities and representatives of local and international civil society organizations to discuss the situation and treatment of persons deprived of their liberty in the country.

The final report on the visit, containing the SPT's observations and recommendations, will be transmitted in confidence to the Ukrainian authorities. In accordance with article 16 of the Optional Protocol to the Convention against torture, Ukraine can request the subsequent publication of the SPT report.

The SPT delegation to Ukraine was comprised of nine members including the current chair Mr. Malcolm Evans (Head of Delegation). ■



*SPT old and new members. SPT 13<sup>th</sup> Session in February 2011 © OHCHR/Danielle Kirby*



*Mr. Malcolm Evans, Chairperson of the SPT at the 13<sup>th</sup> Session in February 2011 © OHCHR/Danielle Kirby*



**CESCR ADOPTS STATEMENTS ON "THE IMPORTANCE AND RELEVANCE OF THE RIGHT TO DEVELOPMENT", AND ON "THE OBLIGATIONS OF STATES PARTIES REGARDING THE CORPORATE SECTOR AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS"**

**HUMAN RIGHTS COMMITTEE ADOPTS A PUBLIC STATEMENT ON THE PAKISTAN'S RESERVATION TO ARTICLE 40 ON THE REPORTING PROCESS AND HOLDS SECOND READING ON ITS GENERAL COMMENT ON FREEDOM OF EXPRESSION**

The Committee on Economic, Social and Cultural Rights (CESCR) has been expressing particular concern about the crises in the enjoyment of the rights that it monitors. In this regard, it adopted at its 46th session in May 2011 two statements on "the importance and relevance of the right to development, adopted on the occasion of the 25th Anniversary of the Declaration on the Right to Development", and on "the obligations of States parties regarding the corporate sector and economic, social and cultural rights".

The 101st session of the Human Rights Committee took place in New York, between 8 March and 1 April 2011. One of the highlights of the session was a public Statement made by the Committee on the Pakistan's reservation to article 40 (reporting process), made towards the end of the session. Upon ratification of the International Covenant on Civil and Political Rights, on 23 June 2010, Pakistan stated that it did not recognize the competence of the Committee provided for in Article 40 of the Covenant. This was the first time a State party has ever made such a reservation to one of the most fundamental obligations of the State party under the treaty. The Statement itself refers to a State party's obligations under the reporting process and states that this competence is of critical importance for the performance of the Committee's monitoring functions and essential to the *raison d'être* of the Covenant. It then refers to rule 70 of its Rules of procedure, under which the Committee can examine a State party's compliance with the Covenant in the absence of a report. Recently, Spain made an objection to the reservation. The text of the Statement can be accessed at the Committee's website.

The Committee also commenced the second reading of its draft **General Comment on freedom of expression** and welcomed and incorporated a number of the significant suggestions and comments made on the first draft by States parties, NGOs, NHRIs, and academics. These contributions have helped to improve and enrich the text. It is expected that the General Comment will be adopted by the end of the next session in July 2011. ■



In the **Statement on the importance and relevance of the right to development**, the Committee emphasizes the close relationship and the complementarity between the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development, and expresses its resolve to continue monitoring the implementation of all the rights protected by the Covenant and thus contribute to the full realization of the relevant elements of the Right to Development.

In the **Statement on the corporate sector**, the Committee notes that corporate activity can adversely affect the enjoyment of Covenant rights, and continues to remind States parties in this context of their obligation to ensure that all economic, social and cultural rights laid down in the Covenant are respected and rights holders protected. ■

**TO READ AND LEARN MORE**

More information about the session can be accessed at: <http://www2.ohchr.org/english/bodies/hrc/index.htm>

**TO READ AND LEARN MORE**

Both statements can be accessed at: <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.2011.1-ENG.doc>

## CURRENT DEVELOPMENTS

### THE GAMBIA: STATE'S OFFICIALS TRAINED IN REPORTING TO THE TREATY BODIES

The OHCHR Regional Office for West Africa in Dakar organized a training workshop on reporting to the UN human rights treaty bodies from 17 to 19 May 2011 in Banjul, The Gambia. The training was designed to assist Government officials in mastering the reporting techniques in order for The Gambia to meet its reporting obligations.



The training workshop focused in particular on the drafting of the Common Core Document, periodic reports to the Convention on the Elimination of all Forms of Discrimination against Women, and initial report to the International Covenant on Economic, Social, and Cultural Rights. In December 2010, in the framework of the UPR, The Gambia had accepted several recommendations made with regard to their reporting obligations.

The training team was composed of a former member of the Committee on Economic, Social and Cultural Rights and an OHCHR staff from the Geneva headquarters.

The Solicitor-General and the Chief Justice opened the three-day training workshop which was attended by 25 Government officials from several ministries and facilitated by the Director of Civil Litigation and International Law Department. The workshop also benefitted from extensive media coverage - both television and written press. ■

## **HUMAN RIGHTS TREATIES DIVISION SUPPORTS CAPACITY BUILDING ACTIVITY IN INDONESIA AND PARTICIPATES IN WORKSHOP IN VIET NAM**

On 6 and 7 June 2011, the Human Rights Treaties Division (HRTD) supported a capacity building activity of the UN Country Team in Jakarta (Indonesia) with regard to its cooperation with treaty bodies, especially in light of the forthcoming review by the Committee on Rights of the Child, and the finalization of reports to the Committee on Economic Social and Cultural Rights (CESCR) and the Human Rights Committee.

In addition, on 8 and 9 June, the Division participated in a lessons learnt workshop organized by the Government of Hanoi following the completion of their reports to the Committee on the Elimination of Racial Discrimination and CESCR. The workshop also focused on new treaty bodies' procedures, such as the Follow-up and List of Issues Prior to Reporting (LOIPR), as well as on the preparation of Viet Nam's Common Core Document and periodic report under the Covenant on civil and political rights. A background paper assessing the achievements and difficulties in treaty body reporting was prepared by four local consultants; it included excellent recommendations on the needs to strengthen the country's treaty reporting, evaluation and implementation capacities and processes. The activities in Jakarta were facilitated by UNAIDS Indonesia and in Hanoi by UNDP Viet Nam with the support in both cases of OHCHR's Regional Office in Bangkok. ■

## **TRAINING ON HUMAN RIGHTS MECHANISMS IN SÃO TOMÉ E PRÍNCIPE**

At the request of the Government of São Tomé e Príncipe, the UN Centre for Human Rights and Democracy in Central Africa (OHCHR Central Africa Regional Office), Human Rights Treaty Division (HRTD) and Special Procedures Branch (SPB), in cooperation with the local authorities, organized a training in São Tomé, on 22 and 23 June 2011, on the implementation of UPR recommendations, ratification of core human rights treaties, visit of special procedure mandate holders and reporting to treaty bodies with the use of a Common Core Document.

This training was attended by representatives of several Ministries, including members of the Inter-Ministerial Committee for Human Rights, the judiciary, the parliament, the bar association, several civil society organizations and UN system partners in the country. Approximately 35 participants were present. Trainers and facilitators came from the UN Centre for Human Rights and Democracy in Central Africa and Geneva Headquarters.

As a result of the workshop a national draft roadmap for following-up on treaty body and UPR recommendations was prepared that will facilitate a national implementation process. São Tomé e Príncipe also confirmed that it will issue a standing invitation to Special Procedures by September 2011. ■

## THE ICJ DISMISSES CLAIMS SUBMITTED BY GEORGIA REGARDING ALLEGED VIOLATION BY THE RUSSIAN FEDERATION OF ICERD

On 1 April 2011 the International Court of Justice (ICJ) rendered its decision in the case regarding the alleged violation of the International Convention on the Elimination of Racial Discrimination by the Russian Federation (ICERD). The case never reached the merits, and ended up at the preliminary stage with a dispute of a procedural nature.

In August 2008, in the wake of the armed conflict between it and the Russian Federation, Georgia seized the ICJ claiming that with its actions in Georgia, the Russian Federation had committed violations of articles 2,3, 4, 5, and 6 of the ICERD. To base the jurisdiction of the Court, Georgia relied on Article 22 of CERD which reads as follows:

“[a]ny dispute between two or more States parties with respect to the interpretation or application of this Convention, **which is not settled by negotiation or by the procedures expressly provided for in this Convention**, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement”.

However, the Russian Federation objected to the jurisdiction of the Court in the case, alleging that Georgia never attempted to negotiate the issue or use the inter-state complaints mechanism of ICERD, before applying to the ICJ, a requirement to fulfill before a State is entitled to seize the Court under Article 22 of ICERD. Georgia disagreed that there was such a *precondition* in the first place, and then tried to prove that some *negotiations* took place.

However, as the Court found, even if some kind of negotiations took indeed place between the two parties, these negotiations were not about the claimed violations of ICERD, but about stopping the armed conflict and solving other humanitarian issues.

The Court also noted that Georgia did not claim that it used or attempted to use the inter-state complaints mechanism under ICERD.

The Court dismissed the application by Georgia by 10 votes in favor and 6 against. ■

### TO READ AND LEARN MORE

The decision can be accessed at: <http://www.icj-cij.org/docket/index.php?p1=3&p2=1&PHPSESSID=6976f6bf893df973e3cca8c81adbc663&case=140&code=GR&p3=5>

## NEW RATIFICATIONS

### APRIL – MAY – JUNE 2011

#### ICPPED (INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE)

- **Belgium** (2 June 2011)
- **Panama** (24 June 2011)
- **Serbia** (18 May 2011)
- **Tunisia** (29 June 2011)
- **Zambia** (4 April 2011)



#### CRPD

- **Belize** (2 June 2011)
- **Colombia** (10 May 2011)
- **Cyprus** (27 June 2011)
- **Panama** (24 June 2011)

#### CRC - OPAC

- **Djibouti** (27 April 2011)
- **Saudi Arabia, Accession** (10 June 2011)

#### CRC - OPSC

- **Djibouti** (27 April 2011)
- **Mauritius** (21 June 2011)

#### OP-CAT

- **Bulgaria** (1 June 2011)
- **Panama** (2 June 2011)
- **Tunisia, Accession** (29 June 2011)

#### CEDAW

- **Nauru, Accession** (23 June 2011)

#### CCPR-OP

- **Tunisia, Accession** (29 June 2011)

- *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>



*Ratification of the Convention on Enforced Disappearances by Tunisia in New York UN Headquarters (29 June 2011) © UN*

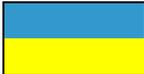
## NEW STATE PARTY REPORTS RECEIVED

### APRIL MAY JUNE 2011

		<b>AFRICA</b>	
	<b>Benin</b>	<b>CEDAW</b>	Fourth periodic report (CEDAW/C/BEN/4) received on 22 June 2011
	<b>Democratic Rep. of Congo</b>	<b>CEDAW</b>	Combined sixth and seventh periodic report (CEDAW/C/COD/6-7) received on 23 June 2011
	<b>Gabon</b>	<b>CCPR</b>	Third periodic report (CCPR/C/GAB/3) received on 12 May 2011
	<b>Rwanda</b>	<b>CAT</b>	Initial report (CAT/C/RWA/1) received on 8 April 2011
		<b>NORTH AFRICA AND MIDDLE EAST</b>	
	<b>Jordan</b>	<b>CERD</b>	Combined thirteenth to seventeenth report (CERD/C/JOR/13-17) received on 6 June 2011
	<b>Pakistan</b>	<b>CEDAW</b>	Fourth periodic report (CEDAW/C/PAK/4) received on 16 June 2011
	<b>Qatar</b>	<b>CERD</b>	Combined thirteenth to sixteenth periodic report (CERD/C/QAT/13-16) received on 11 May 2011
		<b>EUROPE, NORTH AMERICA AND CENTRAL ASIA</b>	
	<b>Austria</b>	<b>CEDAW</b>	Combined seventh and eighth periodic report (CEDAW/C/AUT/7-8) received on 6 May 2011
	<b>Bosnia &amp; Herzegovina</b>	<b>CEDAW</b>	Combined fourth and fifth periodic report (CEDAW/C/BIH/4-5) received on 22 June 2011

## NEW STATE PARTY REPORTS RECEIVED

### APRIL MAY JUNE 2011

	<b>Cyprus</b>	<b>CEDAW</b>	Combined sixth and seventh periodic report (CEDAW/C/CYP/6-7) received on 23 May 2011
		<b>Core doc</b>	Common Core Document (HRI/CORE/CYP/2011) received on 23 May 2011
	<b>Germany</b>	<b>CCPR</b>	Sixth periodic report (CCPR/C/DEU/6) received on 18 April 2011
	<b>Lithuania</b>	<b>CEDAW</b>	Fifth periodic report (CEDAW/C/LTU/5) received on 21 June 2011
	<b>The former Yugoslav Republic of Macedonia</b>	<b>CEDAW</b>	Fourth and fifth periodic report (CEDAW/C/MKD/4-5) received on 24 May 2011
	<b>Russian Federation</b>	<b>CRC</b>	Fourth and fifth periodic report (CRC/C/RUS/4-5) received on 3 June 2011
	<b>Slovenia</b>	<b>CESCR</b>	Second periodic report (E/C.12/SVN/2) received on 22 June 2011
	<b>Ukraine</b>	<b>CESCR</b>	Sixth periodic report (E/C.12/UKR/6) received on 21 June 2011
	<b>United Kingdom of Great Britain and Northern Ireland</b>	<b>CEDAW</b>	Seventh periodic report (CEDAW/C/GBR/7) received on 14 June 2011
		<b>CRC-OPSC</b>	Initial report (CRC/C/OPSC/GBR/1) received on 6 June 2011
		<b>LATIN AMERICA AND THE CARIBBEAN</b>	
	<b>Dominican Republic</b>	<b>CEDAW</b>	Sixth to seventh periodic report (CEDAW/C/DOM/6-7) received on 15 June 2011
	<b>Costa Rica</b>	<b>CRPD</b>	Initial report (CRPD/C/CRI/1) received on 30 March 2011

## NEW STATE PARTY REPORTS RECEIVED

### APRIL MAY JUNE 2011

		ASIA AND THE PACIFIC	
 	China - Hong Kong	CCPR	Third periodic report (CCPR/C/CHN-HKG/3) received on 30 May 2011
	Thailand	CERD	Combined initial and second periodic report (CERD/C/THA/1-2) received on 27 June 2011
	Viet Nam	CERD	Combined tenth to fourteenth periodic report (CERD/C/VNM/10-14) received on 14 June 2011

## ENGAGE WITH THE HUMAN RIGHTS TREATIES DIVISION!

### YOU CAN BE OF CRUCIAL ASSISTANCE TO TREATY-BODIES

<p>- By raising awareness with country-based constituencies about upcoming considerations of reports by treaty body</p> <p>- By encouraging relevant partners to provide information to relevant treaty bodies</p> <p>- By facilitating and encouraging implementation of treaty body recommendations</p>	<p><b>Human Rights Committee (CCPR)</b></p>	<p>Ms. Kate Fox <b>kfox@ohchr.org</b></p>
	<p><b>Committee on Economic, Social and Cultural Rights (CESCR)</b></p>	<p>Ms. Maja Andrijasevic-Boko <b>mandrijasevic-boko@ohchr.org</b></p>
	<p><b>Committee on the Elimination of Racial Discrimination (CERD)</b></p>	<p>Ms. Gabriella Habtom <b>ghabtom@ohchr.org</b></p>
	<p><b>Committee on the Elimination of Discrimination Against Women (CEDAW)</b></p>	<p>Mr. Bradford Smith <b>bsmith@ohchr.org</b></p>
	<p><b>Committee against Torture (CAT)</b></p>	<p>Mr. Joao Nataf <b>jnataf@ohchr.org</b></p>
	<p><b>Committee on the Rights of the Child (CRC)</b></p>	<p>Ms. Allegra Franchetti <b>afranchetti@ohchr.org</b></p>
	<p><b>Committee on Migrant Workers (CMW)</b></p>	<p>Ms. Noemy Barrita-Chagoya <b>nbarrita-chagoya@ohchr.org</b></p>
	<p><b>Committee on the Rights of Persons with Disabilities (CRPD)</b></p> <p><b>Subcommittee on Prevention of Torture (SPT)</b></p>	<p>Ms. Safak Pavey <b>spavey@ohchr.org</b></p> <p>Mr. Patrice Gillibert <b>pgillibert@ohchr.org</b></p>

## HRTD NEWSLETTER

- ❖ ... Is issued on a quarterly basis since 2008 with a view to provide more in-depth and specific information on the work of the treaty bodies, including interviews, analysis of decisions, activities and reports from OHCHR field presences, etc.
- ❖ ... Is available at the treaty bodies' webpage on OHCHR website:  
[http://www2.ohchr.org/english/bodies/treaty/newsletter\\_treaty\\_bodies.htm](http://www2.ohchr.org/english/bodies/treaty/newsletter_treaty_bodies.htm)
- ❖ ... Can be accessed by OHCHR staff on OHCHR Intranet, together with more information on the work of the Human Rights Treaties Division, at:  
<http://intranet.ohchr.org/Offices/Geneva/HumanRightsTreatiesDivision/Pages/HRCTDpage.aspx>
- ❖ ... Welcomes your input, ideas, contributions and views! Please contact us at:  
[HRTD-newsletter@ohchr.org](mailto:HRTD-newsletter@ohchr.org)
- ❖ ... NEW LINK on website on the Treaty bodies strengthening:  
<http://www2.ohchr.org/English/bodies/HRTD/index.htm>

## USEFUL TOOLS AND LINKS

- ❖ ... Treaty bodies mailing-list: Regular e-mail notification of treaty body recommendations. To subscribe, go to:  
<http://www.unhchr.ch/tbmailin.nsf/email?Openform>
- ❖ ... Universal Human Rights Index: A user-friendly search engine with access to all recommendations of treaty bodies, special procedures and soon the Universal Periodic Review (UPR): <http://www.universalhumanrightsindex.org>
- ❖ ... Civil Society Section mailing-list: subscribe to email updates about UN human rights activities: <http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx>



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

### CONTACT US!

Your comments are important:  
[HRTD-Newsletter@ohchr.org](mailto:HRTD-Newsletter@ohchr.org)