

## STATUS OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

### Issue:

The Commission will have before it reports of the Secretary-General on:

- (a) the status of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the ICCPR which provides an individual complaint mechanism; and
- (b) the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### Background:

The UN General Assembly adopted the ICCPR, the ICESCR and the Optional Protocol in 1966. Ten years later these instruments entered into force. As of May 1, 1989, 92 states were party to the ICESCR, 87 were party to the ICCPR and 43 states were party to the Optional Protocol.

Under both the ICCPR and the ICESCR, states parties are required to report on measures they have taken to implement the obligations contained in the instruments. The Human Rights Committee (HRC), composed of 18 independent experts serves as the monitoring body for the ICCPR. In addition to reviewing the periodic reports submitted by states parties, the HRC also considers and provides views on individual complaints submitted to it pursuant to the Optional Protocol. States parties to the ICESCR submit their periodic reports to the 18 person Committee on Economic, Social and Cultural Rights. No individual complaint mechanism is provided for under the ICESCR.

In 1984, the UN General Assembly adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention, which entered into force on June 26, 1987, has now been ratified or acceded to by 43 states. In addition, 18 states have made the declaration under Articles 21 accepting the jurisdiction of the Committee Against Torture to receive and consider individual complaints. A total of 19 states have made the declaration under Article 22 with respect to inter-state complaints. The Committee, which is composed of 10 independent experts (including a Canadian member, Professor Peter Burns, Dean of the Faculty of Law of the University of British Columbia), has held two sessions since coming into existence, the last being in November 1989.

9

10

11

12