

Enforcing International Human Rights Law: The Treaty System in the Twenty-First Century  
June 1997

Professor Anne Bayefsky, Centre for Refugee Studies, York University

In attempting to address the problems of implementation faced by the human rights treaty system, participants of a conference on enforcing international human rights law and the treaty system considered steps to improve the enforcement of international human rights law and developed recommendations for the advancement of the treaty regime. In other words, while the underlying concepts and principles of international human rights law have proliferated, issues about their compliance remain. The participants represented a wide variety of human rights actors (UN specialised agencies, NGOs, states, IGOs, academics). Although there was no consensus among the participants (nor was consensus desirable), discussions focused on the principles of international human rights law (universality of human rights principles; the relationship between protection of human rights, democracy, good governance and the rule of law; vital role played by NGOs in the treaty enforcement system) and on an extensive list of recommendations (over 100) to deal with the problem of implementation and compliance. These recommendations cover a wide range of areas, including ratification, state responsibility, the reporting process, post-reporting follow-up, individual communications, post-individual complaint follow-up, membership and codes of conduct for treaty bodies, and institutional change. It is important to note that the procedural recommendations are specific to those of the UN human rights procedures.

A selection of the recommendations follows:

- states should develop adequate national machinery for the preparation of reports that review national legislation, administrative rules, and procedures and practices in relation to the human rights treaty;
- states should ensure that the treaty system is provided the necessary funding and resources required for the operation of effective enforcement machinery;
- treaty bodies should invite NGOs to attend the pre-sessional working groups and present country-specific information directly related to the treaty on states scheduled to appear at the forthcoming session;
- treaty bodies should require written responses from states to the list of issues in advance of the dialogue;
- treaty bodies should improve the use of country rapporteurs;
- treaty bodies should take steps to ensure public access to state reports;
- NGOs should conduct national, regional and international training with respect to the human rights treaty system;
- NGOs should provide credible and reliable information to treaty bodies to be used in the review of national reports;
- all parties should support rigorously and financially post-reporting follow-up activities;
- UNDP country offices should be encouraged to have an officer specialising in international human rights standards and its governance sectors to consider assistance and the provision of services designed to give effect to recommendations of the treaty bodies.