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0521641950 - The Future of UN Human Rights Treaty Monitoring

Edited by Philip Alston and James Crawford

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Every state in the world has undertaken human rights obligations on the basis of UN treaties. Today's challenge is to enhance the effectiveness of procedure and institutions established to promote the accountability of governments under the treaties. The six treaty bodies that monitor and evaluate state policies and practices play a vital role, but the whole system has been stretched almost to breaking point. It is under-funded, many governments fail to report or do so very late or superficially, there is a growing backlog of individual complaints, broad reservations have been lodged by many states, and the expertise of committee members has been questioned.

This volume contains detailed analyses of the strengths and weaknesses of the system, written by many leading participants in the work of the treaty bodies. Their recommendations provide a blueprint for far-reaching reform of a system of major importance for the future of international efforts to protect human rights.

Philip Alston is Professor of International Law and Co-Director of the Academy of European Law at the European University Institute, Florence.

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THE FUTURE OF
UN HUMAN RIGHTS TREATY
MONITORING

EDITED BY
PHILIP ALSTON AND
JAMES CRAWFORD



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EDITORS' PREFACE

In human rights terms the twentieth century yielded a valuable legacy of internationally agreed standards and the creation of a set of institutional arrangements designed to monitor compliance with those standards. But the overriding challenge for the future is to develop the effectiveness of those monitoring mechanisms. Many of the most important standards have been incorporated into the six 'core' United Nations human rights treaties. They are the two International Covenants dealing respectively with civil and political rights and economic, social and cultural rights; two anti-discrimination conventions dealing with racial discrimination and discrimination against women, and conventions against torture and on the rights of the child. A separate supervisory body has been set up in relation to each of these treaties and it is those 'treaty bodies' that form the focus of the present volume.

Their work is important, and the system as a whole has great potential. However, there are major challenges confronting the human rights treaty regime. The problems facing each of the committees individually are exacerbated by declining support for multilateralism in general and constant budgetary pressures on international organisations. In addition there is deep-seated ambivalence on the part of many governments when it comes to the strengthening of mechanisms which might enhance their accountability for compliance with their international human rights obligations.

This volume contains detailed analyses of the strengths and weaknesses of the system, written by many of the leading participants in the work of the treaty bodies. Their recommendations add up to a blueprint for far-reaching reform of the system. Earlier versions of the papers were presented at a conference in Cambridge, organised jointly by the Lauterpacht

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Editors' Preface

Research Centre for International Law at the University of Cambridge, and the European University Institute, Florence, in March 1997. All the papers have since been revised and updated. Many debts have been incurred along the way. The project was funded by the Ford Foundation and special thanks are due to Margo Picken and Larry Cox for their strong support. The organization of the conference was undertaken with great skill and energy from Florence by Mara Bustelo. Without Glen Howard's efficient support at every step the conference in Cambridge and the administration of the project would have been infinitely more difficult. James Heenan assisted greatly in the editing of the papers and in bringing the project to fruition. Finally, Frances Nicholson was a superb copy-editor and Finola O'Sullivan at Cambridge University Press oversaw the project from start to finish with constant support and encouragement.

In relation to matters of style, we have, for the reader's convenience, systematically used the standard acronyms to refer to each of the treaties and, when the commonly used acronym for the Committee is similar or even identical, we have added the word Committee to avoid confusion (the Convention on the Elimination of All Forms of Discrimination Against Women becomes 'CEDAW' and the Committee established under it becomes 'the CEDAW Committee'). Similarly, although the usage of the term 'Chairperson' or 'Chairman' varies from one committee to another, we have standardised the usage to refer to 'Chairperson' throughout the volume.

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ABBREVIATIONS

In a field full of acronyms they cannot be avoided, only made less confusing. We use the following abbreviations for the various conventions, the full titles of which are given here, although the short title is used within the text. The committees are referred to by the addition of the word ‘Committee’ to the relevant Convention abbreviation (thus CAT Committee). The only exception is the Human Rights Committee, for which the now standard abbreviation HRC is used.

ACABQ	Advisory Committee on Administrative and Budgetary Questions (within UN)
ACHR	American Convention on Human Rights
ACLU	American Civil Liberties Union
<i>AJIL</i>	<i>American Journal of International Law</i>
<i>BULRev</i>	<i>Buffalo University Law Review</i>
<i>BYbIL</i>	<i>British Yearbook of International Law</i>
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCRC	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CIDH	Comisión Interamericana de Derechos Humanos (IACHR)