are the so called Unified Standing Treaty Body that would replace all treaty bodies, and a unified body dealing with individual communications of all relevant treaty bodies. The Committee is of the view that both propositions face insurmountable legal and political challenges, at least in the short and medium term.

Despite the composition of the Committee, reflecting the principal legal systems in the community of states (Art. 31 of the CCPR), major differences in interpreting the Covenant rights on the basis of different cultural approaches have seldom occurred since the end of the East-West confrontation. Yet the Committee is quite aware of the fact that the rights guaranteed have to stand the test of different situations and that rigidity in the interpretation of human rights must be avoided. However, the Committee has always adhered to its conviction that the Covenant rights demand universal respect, and must not be weakened by the states parties.

The success of the Committee’s work is decisively dependent on the taking notice of its work in the contracting states. This means, inter alia, that the concluding observations, views and General Comments of the Committee need to be published in the official language of the states parties.

Eckart Klein


Human Rights Conventions and their Measures of Implementation

Traditionally the guarantee of → human rights had been the sole responsibility of the states, acting within their national legal systems. With the foundation of the UN, the concept came to the fore that maintaining international peace and security (→ Peacekeeping) and the protection of human rights (→ Human Rights, Protection of) are connected with each other, that massive infringements of human rights threaten peace (→ Peace, Peace Concept, Threat to Peace), and that states can influence the adherence to human rights through international human rights conventions. The → Charter of the UN assigned to the world organization the task of fostering respect for, and contributing to a realization of human rights (Art. 1 (3)
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and Art. 55 lit. c UN Charter). Thus the Charter of the UN has established the preconditions for the internationalization of human rights. In this process of internationalization the latter have developed more and more through international treaties (→ Treaties, Law of) and the activities of the UN bodies (→ UN System; → Principal Organs, Subsidiary Organs, Treaty Bodies) to an international system of human rights.

The human rights conventions include the largest number of universally-designed treaties compared with other parts of international law (→ UNTS – United Nation Treaty Series).


Considering the complex system of human rights conventions, and noting that in almost all fields of life international human rights standards have been established and that some human rights have been laid down several times, one will find the number of regulations for their implementation fairly low compared with the number of norms.

While the process of enacting laws in the area of human rights can be seen as completed, and a Convention on Enforced Disappearance has more recently been adopted (UN Doc. A/Res/61/177, Annex, 20 December 2006), the implementation mechanisms have to be organized more efficiently. The treaty bodies for implementation rely in their work on the support of the states concerned.

The treaty bodies of the above-mentioned conventions consist of independent experts. All members are elected by the state parties to each convention and can be re-elected. The Committee on Economic, Social and Cultural Rights (CESCR) constitutes an exception as it is not provided for in the Covenant on Economic, Social and Cultural Rights and is elected by ECOSOC. With the committees there exists a multitude of organs for treaty-monitoring whose functions often overlap as the material standards of the conventions coincide as well. This poses the question whether unifying the committees would be possible, thus leading perhaps to greater efficiency. First tentative ideas have been developed which propose a unified treaty-monitoring body to examine common state reports (Concept Paper on the High Commissioner’s proposal for a unified standing treaty body, UN Doc. HRI/MC/2006/2 of 22 March 2006) to ensure a better implementation of human rights obligations by the state parties. Furthermore a unified treaty-monitoring body could result in greater efficiency and consistency in interpretation.

The conventions provide for procedures for the promotion and protection of human rights, for the prevention of infringements of human rights and for the monitoring of human rights situations in the states, through the reporting procedure and the complaints procedure. The reporting procedure is the most generally accepted one. The regular form of the implementation procedures is the obligatory reporting procedure, i.e. state reports are given to and discussed by ex-