



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9341 • FAX: +41 22 917 9022 • E-MAIL: petitions@ohchr.org

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Dear High Commissioner,

Let me begin by thanking you for your efforts to strengthen treaty bodies. As with other treaty bodies, the Committee on the Elimination of Racial Discrimination has been actively involved in this process since your call in 2009. The Committee is pleased to see how far the process has gone and looks forward to receiving your report which, we hope, will give a synthesis of the proposals made and indicate a way forward to overcome the obstacles to the effective functioning of the human rights treaty bodies.

In this respect, allow me to mention a proposal that the Committee advanced already in 2006, which is the idea of a unified treaty body to deal only with individual communications under the different human rights instruments. At the time, this proposal was not further considered because it would entail an amendment of the existing treaties. The Committee still thinks, however, that the proposal is relevant, even more now, since with the adoption by the General Assembly of the Optional Protocol to the Convention of the Rights of the Child establishing a communications procedure, all treaty bodies (except for the Sub-Committee on the Prevention of Torture whose mandate is limited to visits) are mandated to receive individual communications. The diversity of the procedures increases the risk of divergent interpretations of rights, which, we believe, would be detrimental to the system of human rights protection.

Ms. Navanethem Pillay  
High Commissioner for Human Rights

The Committee acknowledges however, that amending the treaties may not be opportune at the present moment. I would therefore like to bring to your attention an alternative proposal that was discussed at the inter-committee expert meeting on petitions in October last year, to create a joint inter-committee working group on communications. Such a working group would be composed of one or two members of all treaty bodies dealing with individual communications and would function as a preparatory chamber for the examination of communications by each individual treaty body. The recommendations prepared by the working group would then be presented to the treaty body to which the communication was originally directed for formal adoption.

In the Committee's view, such a procedure would guarantee the consistency of the case law by the different treaty bodies and enhance the indivisibility of civil, political, economic, social and cultural rights by guaranteeing an inclusive approach to all human rights.

I hope that after consideration, this proposal will find reflection in your report to the General Assembly. CERD experts are ready to participate in a meeting, which you may wish to convoke, together with other treaty bodies in order to examine the best modalities for the creation of such a an inter-committee working group on individual communications.

Yours sincerely,



Mr. Alexei Avtonomov,  
Chairperson, Committee on the Elimination of Racial Discrimination