

March 20 - April 28, 2000  
Palais des Nations, Geneva

Joint statement presented by Pax Christi International on behalf of Franciscans International, Dominicans for Justice and Peace, Association for the Prevention of Torture, International Federation of Human Rights Leagues (FIDH), Global Justice Center, Brazilian National Human Rights Movement and FASE.

We believe that the effective functioning of human rights mechanisms requires the cooperation and assistance of all those involved in the process: the United Nations mechanisms themselves, governments, and non-governmental organizations that defend human rights. Unfortunately, many governments act as though the protection of human rights ends with the ratification of treaties that establish protection mechanisms, and thus neglect the continuing obligations that these treaties impose on states.

One such obligation is the duty to submit periodic reports. According to the High Commissioner for Human Rights, the number of reports now overdue for each treaty are as follows:

- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment -- 112
- Convention on the Elimination of All Forms of Discrimination against Women -- 239
- Convention on the Rights of the Child -- 156
- Convention on the Elimination of All Forms of Racial Discrimination International Covenant on Civil and Political Rights --150
- International Covenant on Economic, Social and Cultural Rights --161

Similarly, although the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture allow states to recognize the competence of the relevant committees to receive and process individual complaints, most states have failed to recognize this jurisdiction. Finally, a significant number of countries fail to cooperate fully with the Special Mechanisms created by this honorable body, either refusing to afford access to Special Rapporteurs, Representatives and Working Groups or by failing to respond to their appeals.

Through non-adherence and non-cooperation with human rights mechanisms, many states create the appearance, though not the reality of compliance with human rights obligations.

The case of Brazil is quite illustrative in this regard.

1. Non-recognition of Conventional Oversight Mechanisms: While Brazil has ratified all six core treaties cited above, it has failed to recognize the right of individual petition afforded by the First Optional Protocol to the International Covenant on Civil and Political Rights, that afforded under the Convention on the Elimination of All Forms of Racial Discrimination, or that established by the Convention against Torture.

2. Failure to comply fully with special mechanisms: Despite his repeated requests and mounting evidence of routine torture in Brazil, the Special Rapporteur on Torture has failed to receive an invitation from the Brazilian government to visit the country.
3. Compliance with Conventional Bodies: Brazil's record on report submission leaves much to be desired: according to the Office of the High Commissioner for Human Rights, Brazil has failed to submit 15 required reports.

In particular, we are concerned by Brazil's failure to submit required periodic reports to the Committee on Economic, Social and Cultural Rights. While Brazil ratified the Covenant on Economic, Social and Cultural Rights in 1992, it has, to date, failed to submit its initial report, due in 1994, or its second report, due in 1999. Not unrelated to this failure to report has been Brazil's internal policy on economic, social and cultural rights. The Brazilian National Human Rights Action Program, drafted in response to the call for action plans in the Vienna Declaration, fails to address adequately economic, social and cultural rights, and prioritizes civil and political rights. These make it impossible for Brazilian civil society to gauge the performance of its government to alleviate the severe violations of economic social and cultural rights in the country.

In an effort to foster the effective functioning of these mechanisms, a group of Brazilian non-governmental organizations has decided to visit to Geneva in an effort to stimulate their government to comply with its obligations, particularly those set forth in the International Covenant on Economic, Social and Cultural Rights.

We call on the government of Brazil, as well as other non-complying states, to comply fully with the obligations assumed under International human rights treaties. Only in this way may human rights mechanisms be expected to function appropriately.