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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mr. Bossuyt, Ms. Daes, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé,
Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Park, Mr. Pinheiro,
Mr. Ramishvili and Mr. Sorabjee: draft resolution

1999/... Draft international convention on the protection of all
persons from enforced disappearance

The Sub-Commission on the Promotion and Protection of Human Rights

Recalling General Assembly resolution 47/133 of 18 December 1992, by
which the Assembly proclaimed the Declaration on the Protection of All Persons
from Enforced Disappearance as a body of principles for all States and urged
that all efforts be made so that the Declaration became generally known and
implemented,

Recalling also General Assembly resolution 41/120 of 4 December 1986, in
which the Assembly recognized the value of continuing efforts to identify
specific areas where further international action was required to develop the
existing legal framework in the field of human rights,

Recalling further Commission on Human Rights resolution 1997/26 in which the Commission, deeply concerned, in particular, by the intensification of enforced or involuntary disappearances, took note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34) which in paragraph 31 welcomed the efforts of the Sub-Commission's sessional working group on the administration of justice to prepare a draft international convention on the prevention and punishment of enforced disappearances,

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of enforced disappearance is of the nature of a crime against humanity,

Recalling its resolution 1998/25 of 26 August 1998, in which it decided to transmit the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon as well as those of the sessional Working Group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64),

Noting Commission resolution 1999/38 of 26 April 1999 dealing with government responses to the general problem of enforced disappearances, in which the Commission took note of the draft international convention on the protection of all persons from enforced disappearance and requested the Secretary-General to renew the invitation to States, international organizations and non-governmental organizations to submit their views and comments on the matter,

1. Urges the Commission to give priority consideration to the draft international convention on the protection of all persons from enforced disappearance on account of the nature and degree of the suffering of the disappeared and of their families and friends;

2. Decides to consider the question of the draft international convention on the protection of all persons from enforced disappearance under the same agenda item at its fifty-second session.
