

COMMISSION ON HUMAN RIGHTS
Thirty-ninth session
Open-ended Working Group on
the over-all analysis
Item 11 of the agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK ON THE COMMISSION;
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Working paper submitted by France

1. One of the best means of improving the effectiveness of the United Nations in the sphere of human rights and one most likely to find consensus would be to strengthen the role which the officers of the Commission currently play between sessions of the Commission.
2. At the present time, this role is very limited: appointment of experts or dispatch (very occasionally) of a telegram to some Government. This is not enough; the Commission on Human Rights is practically reduced to impotence when not in session, that is, ten months out of every twelve.
3. This situation must be remedied. This assertion is often justified by the notion of urgency; certain circumstances require steps to be taken immediately, or at least within a reasonable period of time. Ensuring that the Commission is in a position to react rapidly in such circumstances, even when it is not in session, certainly merits consideration, but it is only one facet of the problem of its long period of inactivity.

It is in fact this inactivity which must be remedied. In other words, the Commission must be able to continue its activity to some extent throughout the year whether or not urgent decisions need to be taken, or else this activity must have some continuity and a permanent service must be created, i.e. a mechanism which will prevent the Commission from going into complete hibernation when it is not in session.

- A. Continuous activities would consist in monitoring the implementation of decisions taken on situations of systematic violation, whether such decisions are confidential or public.

1. The countries members of the Commission would be informed of the appointment of special rapporteurs, special envoys or special representatives of the Commission or of the designation of representatives of the Secretary-General when direct contacts are entrusted to him.

2. A brief report would then be made to them of each of the missions carried out by these persons, of the steps taken by them to obtain the co-operation of the Governments concerned and of the work they do other than through contacts with these Governments or on-the-spot investigations.

3. The Commission's Working Group on Communications could for its part meet shortly after receiving the report submitted by the Sub-Commission in accordance with the procedure set out in Economic and Social Council resolution 1503 (XLVIII) and, through the Chairman of the Commission, transmit its own report to countries members of the Commission as soon as possible.

B. Continuous activities would also include reacting to situations which are not already being considered by the Commission or to sudden developments in situations which are already being considered but which require fresh measures.

In both cases it would be a matter of expressing the concern of the Commission vis-à-vis these new situations or developments through messages to the Governments concerned, making the measures taken public if necessary and informing countries members of the Commission of any further developments.

The purpose of these suggestions is merely to furnish specific indications as to the nature and limits of the activities which the Commission could undertake between sessions, it being understood that such activities would fall within the sole competence of the officers acting in consensus.

C. Since the inter-sessional activity of the Commission is envisaged in terms of continuity, whether any urgent situation exists or not, meetings of the officers should be planned for set dates and not according to circumstances; it would, in fact, be difficult to define the circumstances which would justify convening a meeting of officers.

Two or three meetings of a few days each per year would probably be adequate.