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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 20

RATIONALIZATION OF THE WORK OF THE COMMISSION

Afghanistan*, Algeria*, Bhutan, China, Cuba, Democratic People's Republic of Korea*, Egypt*, India, Indonesia, Iran (Islamic Republic of)*, Jordan*, Libyan Arab Jamahiriya*, Malaysia*, Mauritania*, Myanmar*, Nepal, Pakistan, Philippines, Qatar, Saudi Arabia*, Sri Lanka, Sudan, Syrian Arab Republic*, Tanzania*, Thailand*, Viet Nam*, Yemen*: draft resolution

1999/... Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

The Commission on Human Rights,

Recalling its decision 1998/112 of 24 April 1998, in which it decided, with a view to enhancing the effectiveness of the mechanisms of the Commission on Human Rights, to appoint the Bureau of its fifty-fourth session to undertake a review of the mechanisms of the Commission with a view to making recommendations to the Commission at its fifty-fifth session,

Taking note of the report of the Bureau of its fifty-fourth session submitted pursuant to the above decision (E/CN.4/1999/104 and Corr.1) and expressing deep appreciation to all the members of the Bureau for their efforts duly to fulfil their mandate and for the timely submission of the report,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind draft resolution E/CN.4/1998/L.2 and its annex, submitted at the fifty-fourth session of the Commission and later withdrawn,

Aware that the effectiveness of the Chairman of the Commission on Human Rights and the Bureau flows from their procedural tasks and representativeness, their functions being limited to steering the dynamics of the Commission on behalf of its entire membership,

Recognizing the importance of a thorough, comprehensive and holistic consideration of the entire report and of the various submissions made thereon including, in particular, the annexes to documents E/CN.4/1999/120 and E/CN.4/1999/124,

Recognizing also the complexity of the issues involved, the diversity of the views expressed and the need to discuss them in a careful, detailed, inclusive, transparent and integrated manner, with a view to reaching consensus on these issues as soon as possible within a reasonable time-frame,

Having started a general, substantive overview of the contents of the Bureau's report and submissions thereon, as well as the process by which it should be examined,

1. Decides to establish, for a period of one year, an open-ended inter-sessional working group functioning on the principle of consensus, to meet for five working days prior to the fifty-sixth session of the Commission on Human Rights to examine the report of the Bureau submitted pursuant to decision 1998/112 (E/CN.4/1999/104 and Corr.1) and all other submissions made in this connection, with a view to reporting to the Commission at its fifty-sixth session on the the progress made;

2. Requests the open-ended inter-sessional working group to take duly into account in carrying out its mandate and in accordance with the Vienna Declaration and Programme of Action:

(a) The importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, providing them with the necessary human and financial resources in order to enable them to fulfil their mandates;

(b) The universality, indivisibility and interrelationship of all human rights;

(c) That the international community must treat human rights globally, in a fair and equal manner, on the same footing and with the same emphasis;

(d) That the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations;

(e) The need to ensure the universality, objectivity and non-selectivity of the consideration of human rights issues so as to avoid politicization which weakens the effectiveness of the mechanisms of the Commission;

3. Also requests the open-ended inter-sessional working group to bear in mind, in discharging its functions:

(a) The Bureau's view that the Commission's decision to undertake a review of its mechanisms reflected a recognition that the concerns expressed about the functioning of its mechanisms could only be addressed by taking a careful look at the network of mechanisms as a whole;

(b) That while this review should be addressed as a matter of urgent necessity, it is also a process which needs to be conducted in a careful, detailed, inclusive and integrated manner, thus requiring recommendations from the working group about possible future time-frames, to be included in its progress report to the Commission at its fifty-sixth session;

(c) That while the Bureau's recommendations only address the Commission's mechanisms, those mechanisms, as recognized by the Bureau itself, do not operate in a vacuum, thus making it necessary for the working group to undertake a thorough analysis of the methods of work of the Commission, on the basis of the proposals contained in the annex to document E/CN.4/1998/L.2, as outlined by the Chairman of the fifty-fourth session of the Commission in his statement of 24 April 1998;

(d) That the promotion of the objectives of the Commission's mechanisms through careful analysis, constructive dialogue and mutual understanding is the best way to ensure the promotion and protection of human rights;

4. Further requests the open-ended inter-sessional working group to undertake its functions in accordance with the following methodological approach:

(a) Decisions on all issues should be reached by consensus;

(b) The order in which the various aspects of the contents of the Bureau's report and related submissions could be considered, subject to further discussions in the inter-sessional working group, is as follows:

- (i) Issues of apparent lesser complexity: proposal 3, recommendations 4 and 13 and related observations;
- (ii) Issues of apparent medium complexity: proposals 4, 5 and 6, recommendations 5 and 6 and related observations;
- (iii) Issues of apparent high complexity and visible division of opinions: proposals 1 and 2, recommendations 1, 2, 3, 7, 8, 9, 10, 11 and 12 and related observations;

(c) Recommendations on individual issues examined will be forwarded by the working group at the end of its deliberations on all issues, for consideration by the Commission;

9. Decides to consider the progress report of the working group and other related matters under the relevant agenda item at its fifty-sixth session.

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