

Distr.
LIMITED

E/CN.4/Sub.2/1993/L.11
17 August 1993

Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES ON
ITS FORTY-FIFTH SESSION

Rapporteur: Mr. Ioan Maxim

CONTENTS*

<u>Chapter</u>		<u>Page</u>
II.	A. <u>Resolutions</u>	
	1993/1. Monitoring the eradication of apartheid and the transition to democracy	3

* E/CN.4/Sub.2/1993/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1993/L.11 and addenda.

CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
II.	A. <u>Resolutions</u> (<u>continued</u>)	
	1993/2. Elimination of all forms of intolerance and of discrimination based on religion or belief	4
	1993/3. Measures to combat racism and racial discrimination and the role of the Sub-Commission	6
	B. <u>Decisions</u>	
	1993/101. Organization of work	7
	1993/102. Establishment of a sessional working group on detention	8
	1993/103. Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)	8

1993/1. Monitoring the eradication of apartheid and the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, contained in the annex to resolution S-16/1, adopted without a vote by the General Assembly on 14 December 1989, which, inter alia, called for negotiations in a climate free of violence,

Recalling also its resolutions 1991/1 of 20 August 1991 and 1992/6 of 21 August 1992,

Recalling further Commission on Human Rights resolutions 1992/20 of 28 February and 1993/19 of 26 February 1993,

Recalling General Assembly resolution 47/116 of 18 December 1992,

Having considered the preliminary report (E/CN.4/Sub.2/1993/11) submitted by the Special Rapporteur, Mrs. Judith Attah,

Deeply concerned at the impediments to the democratization of South Africa as reported by the Special Rapporteur, amongst which are violence and inequality in the enjoyment of socio-economic rights in South Africa,

Noting the facilitating role of the international community in the democratization process in South Africa,

Noting also the useful recommendations made by the Special Rapporteur in her preliminary report,

1. Expresses its appreciation to the Special Rapporteur for the accurate and useful information contained in her preliminary report,
2. Decides to transmit the report to the Commission on Human Rights for consideration at its fiftieth session,
3. Requests the Secretary-General to bring the report to the attention of the Government of South Africa,
4. Also requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a special mission to South Africa during the period of preparation of her next report,
5. Requests the Special Rapporteur to submit her second report to the Sub-Commission at its forty-sixth session,
6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to carry out her mandate, including ensuring

that the Special Rapporteur travels to South Africa for an on-the-spot familiarization with the dynamics of the transition process as they affect the enjoyment of the fundamental human rights of the people,

7. Decides to consider the issue of monitoring the eradication of apartheid and the transition to democracy in South Africa as a matter of priority at its forty-sixth session.

17th meeting
13 August 1993

[Adopted without a vote. See chap. V.]

1993/2. Elimination of all forms of intolerance and of discrimination based on religion or belief

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the need to enhance and encourage understanding, tolerance and respect in matters relating to freedom of religion and belief,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

Taking into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), a former member of the Sub-Commission,

Considering that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called upon all Governments to take all appropriate measures to counter intolerance and violence based on religion or belief and to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 1989/23 of 31 August 1989, wherein it reaffirmed its willingness and interest to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief,

Also recalling resolution 1993/25 of 25 March 1993 of the Commission on Human Rights in which the Commission expressed its belief that further efforts were required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

Noting with concern the renewed outbreak of serious incidents of intolerance, discrimination and violence, especially against women and intellectuals, caused in particular by religious extremism,

Being convinced that religious extremism represents a genuine threat to the security of nations, stability of institutions and peace among peoples,

Emphasizing the important role of education in ensuring tolerance with respect to other people and promoting and protecting freedom of religion and belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Welcomes the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

3. Recognizes the importance of building understanding and respect between persons of diverse religions or beliefs and the particular need for communication and education within and among movements, groups, associations and other constituencies based on religion or belief;

4. Reaffirms its willingness to make a further contribution to activities which may be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief;

5. Renews its recommendation to the Commission on Human Rights that it give due consideration to the organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, interested intergovernmental and non-governmental

organizations and academic and research institutions, of a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms.

17th meeting

13 August 1993

[Adopted without a vote. See chap. XIV.]

1993/3. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 21 August 1992 and Commission on Human Rights resolution 1993/20 of 2 March 1993,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Sharing the concern expressed by the Commission that in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist and appear to be on the rise, among them manifestations occurring particularly in developed countries,

Reiterating its great concern about the consequences of increasing racism and xenophobia directed against migrant workers, and underlining the importance of early ratification by all States concerned of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reiterating also that the scourges of racism and racial discrimination are continuously assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Concerned that in many parts of the world, members of vulnerable ethnic, cultural and linguistic groups are suffering from discrimination and discriminatory treatment,

Noting the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and

information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level, as confirmed by the Commission on Human Rights in paragraph 4 of its resolution 1993/20,

Noting also the recognition expressed by the Commission, in paragraph 5 of that resolution, of the important role that can be played in this regard by the Sub-Commission,

1. Welcomes the appointment, by the Commission on Human Rights for a three-year period, of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

2. Recommends that the Special Rapporteur carry out his mandate by examining situations in the various regions of the world, beginning with incidents which are increasing in the developed countries, as well as theories and attitudes of racial superiority which incite them;

3. Also recommends that the Special Rapporteur be invited to address the Sub-Commission at its forty-sixth session to present his report also there;

4. Further recommends that arrangements be made for the convening, on that occasion, of a joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination, with a view to the elaboration of recommendations concerning the comprehensive measures envisaged in paragraph 4 of Commission resolution 1993/20;

5. Requests the Secretary-General to prepare, for that meeting, a report containing a survey of efforts made by different United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance, together with proposals on how these efforts can be strengthened and better coordinated.

19th meeting
16 August 1993

[Adopted without a vote. See chap. V.]

B. Decisions

1993/101. Organization of work

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quiros, to submit his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1993/9);

(b) In connection with item 4: Mr. Theo van Boven, to submit the final report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8);

(c) In connection with item 10 (d): Mr. William Treat, to submit his third report on the right to a fair trial together with Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1993/24 and Add.1-2);

(d) In connection with item 15: Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (pursuant to Commission resolution 1993/82 of 10 March 1993);

(e) In connection with the report of the Commission on Human Rights on its forty-ninth session: Mr. Mohamed Ennaceur, Chairman of the forty-ninth session of the Commission on Human Rights (E/1993/23-E/CN.4/1993/122).

[See chap. III.]

1993/102. Establishment of a sessional working group on detention

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to establish a sessional working group on detention.

[See chap. III.]

1993/103. Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

At its 15th meeting, on 12 August 1993, the Sub-Commission decided, without a vote, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, under item 3 of its provisional agenda. To that end, the Sub-Commission requested the secretariat to prepare a working paper on the subject for its next session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

[See chap. VI.]
