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

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* E/CN.4/Sub.2/1995/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.2/1995/L.11 and addenda.

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B. Decisions

1995/106. Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

At its 26th meeting on 18 August 1995, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1995/107. Humanitarian situation in Iraq

At its 26th meeting, on 18 August 1995, the Sub-Commission, recalling its decision 1994/111 of 25 August 1994, affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, deeply concerned at reports of the serious consequences which the embargo imposed on Iraq for the past five years is having on the entire civilian population in Iraq and, in particular, on children, women and the most underprivileged sectors of the population, decided, without a vote, to appeal once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population.

[See chap. VII.]

1995/108. Situation of human rights in Turkey

At its 26th meeting, on 18 August 1995, the Sub-Commission, taking note of the positive initiatives undertaken by the Turkish authorities in the field of freedom of expression, decided by 11 votes to 9, with 2 abstentions, to postpone the question until its next session in expectation of the implementation of those measures.

[See chap. VII.]

1995/109. Draft programme of action on the traffic in persons and the exploitation of the prostitution of others

At its 27th meeting, on 18 August 1995, the Sub-Commission, taking note of the draft programme of action on the traffic in persons and the exploitation of the prostitution of others, reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolution 1995/27 of 3 March 1995, decided, without a vote, to transmit the draft programme of action (E/CN.4/Sub.2/1995/28/Add.1) to the Commission on Human Rights.

[See chap. XVI.]

1995/110. Comprehensive programme for the prevention of discrimination and protection of minorities

At its 27th meeting, on 18 August 1995, the Sub-Commission, taking into account the working paper prepared by Mr. Asbjørn Eide presented at its forty-sixth session (E/CN.4/Sub.2/1994/36 and Corr.1), decided, without a vote, to request Mr. Eide to prepare, without financial implications, a second working paper containing further suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers, to be presented at its forty-eighth session and to request Mr. Eide to take into account the discussion and the proposals made during the joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination on 8 August 1995.

[See chap. XXI.]

1995/111. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 34th meeting, on 24 August 1995, the Sub-Commission, recalling its resolution 1994/42 of 26 August 1994, and bearing in mind that the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, Mr. Awn Al-Khasawneh, was not in a position to submit his final report to the Sub-Commission at its

forty-seventh session (E/CN.4/Sub.2/1995/35), decided, without a vote, to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work. The Sub-Commission also decided, without a vote, to consider the final report of the Special Rapporteur at its forty-eighth session.

[See chap. XIX.]

1995/112. Methods of work of the Sub-Commission

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to adopt, on an experimental basis, the following rulings concerning its methods of work at its forty-eighth session:

(a) All statements in exercise of the right of reply will be made only at the end of the debate on each agenda item;

(b) Denunciations of cases of violations of human rights and specific accusations made under item 6 cannot be repeated under another item for the agenda.

[See chap. V.]

1995/113. Review of the work of the Sub-Commission

At its 35th meeting, on 24 August 1995, in the light of the good results of the practice, adopted at its forty-seventh session, of considering agenda item 6 at the beginning of the session, the Sub-Commission decided, without a vote, to continue that practice and to consider item 6 at its forty-eighth session starting on the day following the adoption of the agenda.

[See chap. V.]

1995/114. Methods of work of the Sub-Commission

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to earmark at least one closed meeting at its forty-eighth session, during which only the members of the Sub-Commission could take the floor, to enable the experts and their alternates to exchange views among themselves on various topics.

[See chap. V.]

1995/115. Improvement in the method of consideration of item 6 of the agenda of the Sub-commission concerning violations of human rights and fundamental freedoms

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to consider at its forty-eighth session how best to carry out its mandate in examining item 6 of its agenda concerning violations of human rights and fundamental freedoms, while taking into account all reliable sources. In this regard, and taking into account the interest shown in the information contained in the reports of Special Rapporteurs and Chairmen-Rapporteurs of Working Groups of the Commission on Human Rights, the Sub-Commission requested the Secretariat, on the one hand, to make these reports available to the experts who request them at the forty-eighth session and, on the other hand, to undertake appropriate consultations with the Special Rapporteurs and Chairmen-Rapporteurs, in particular during their annual joint meeting, so that their preoccupations and those of the Sub-Commission could be taken into account. The Sub-Commission requested the Secretary-General to report on this meeting to the Sub-Commission at its forty-eighth session.

[See chap. V.]

1995/116. Democratic society

At its 35th meeting, on 24 August 1995, the Sub-Commission, having taken into consideration the oral statement on the subject made by Mr. Osman El-Hajjé, decided without a vote, to request Mr. El-Hajjé to prepare, without financial implications, a working paper on democracy and the establishment of a democratic society, to be submitted at its forty-eighth session.

[See chap. V.]

1995/117. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

At its 35th meeting, on 24 August 1995, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note with satisfaction of the report of the sessional working group on the administration of justice

and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1), decided, without a vote, to request the Working Group to continue with priority, at its forty-eighth session, the consideration of the proposed basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms", with a view to making substantive progress in the matter, and to request Mr. van Boven to submit, in time for the Sub-Commission's consideration at its forty-eighth session, without financial implications, a revised set of the proposed basic principles and guidelines on remedies in the light of existing relevant international instruments, taking into account the new comments received from States, intergovernmental organizations and non-governmental organizations, as well as the relevant sections of the report of its working group on the administration of justice and the question of compensation.

[See chap. XI.]

1995/118. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 24 August 1995, the Sub-Commission, recalling its resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990, as well as its decisions 1991/111 of 29 August 1991, 1992/110 of 24 August 1992 and 1994/116 of 26 August 1994, expressed its satisfaction at the effort made by the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit his second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session and decided to request the Special Rapporteur to submit a third report to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. It also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the

necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country to be determined in consultation with the Government concerned as a practical example for inclusion in the final report. The Sub-Commission further decided to recommend that the Commission on Human Rights request the Economic and Social Council to endorse its decision.

[See chap. XV.]
