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Sub-Commission on Prevention
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Agenda item 23

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

Rapporteur: Mr. José Bengoa

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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.

VI. ELIMINATION OF RACIAL DISCRIMINATION

1. At the 27th meeting on 18 August 1995, the members of the Sub-Commission approved a joint statement of the joint meeting of the Committee on the Elimination of Racial Discrimination and the Sub-Commission, which read as follows:

"The Committee on the Elimination of Racial Discrimination and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, meeting jointly to assess the possibilities of closer cooperation in the struggle against racism, racial discrimination, xenophobia and other contemporary forms of related intolerance,

Aware of the roles of the two bodies in the field of prevention, early warning and urgent procedures in situations involving massive violations of human rights,

Appalled by continuing reports of massive and gross violations of human rights in various regions of the world, including genocide and 'ethnic cleansing', which are fuelled by policies of racial or ethnic discrimination and antagonism, particularly in Bosnia and Herzegovina and Rwanda,

Welcoming the establishment of two ad hoc international criminal tribunals,

1. Declare their strong determination to mobilize their efforts to eliminate, wherever they exist, all forms of racism, racial discrimination, xenophobia and related intolerance.

2. Reiterate their absolute condemnation of the massive violations of human rights, in particular genocide and the spreading practice of 'ethnic cleansing', occurring in certain regions of the world, mainly in Bosnia and Herzegovina and Rwanda, and draw attention to the consequences for human rights and for the fate of large populations of the central role played in this regard by policies and practices of racial, xenophobic, ethnic and other related forms of discrimination.

3. Continue to call for firm and urgent measures by the United Nations and the international community to put an end to these violations, to continue to fight policies and practices of racial discrimination, to help save human lives, to stop 'ethnic cleansing', to

help refugees to return voluntarily and safely to their homes and to find just political solutions to existing racial, ethnic and related conflicts.

4. Remain convinced that all perpetrators of massive violations of human rights must be brought to justice. Accordingly, the two bodies welcome the establishment of the two current ad hoc international criminal tribunals and call on the international community to give the tribunals all possible support, including making necessary changes to national laws. They call for the speedy establishment of a permanent international criminal court which will prosecute perpetrators of massive violations of human rights, including perpetrators of egregious acts of racial discrimination.

5. Remind all Governments of their obligation to ensure to all those under their jurisdiction, without any discrimination, security and peaceful coexistence between the different communities.

6. Call on the international community to respond compassionately and speedily to the need of people displaced as a result of policies of racial and ethnic discrimination and to encourage States generously to receive as many of these displaced people as possible."

Monitoring and assisting the transition to democracy in South Africa

2. At the 27th meeting on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.3 sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Ferriol Echevarría, Ms. Gwanmesia, Mr. Hatano, Mr. Yimer and Mr. Zhong Shukong. Mr. Joinet subsequently joined the sponsors.

3. The draft resolution was adopted without a vote.

4. For the text as adopted, see chapter II, section A, resolution 1995/12.
