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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 15

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

Armenia,* Australia, Austria, Bulgaria, Czech Republic,* Denmark,
El Salvador, Finland,* France, Germany, Honduras,* Japan,
Madagascar, Netherlands, Norway,* Peru, Portugal,* United Kingdom:
draft resolution

1996/... Work of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities

The Commission on Human Rights

Reaffirming its resolution 1995/26 of 3 March 1995,

Recalling the terms of reference of the Sub-Commission as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

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

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 and E/CN.4/1996/81),

Expressing its appreciation of the positive contribution made by the Sub-Commission to the promotion and protection of human rights,

Convinced that the Sub-Commission, as a body of independent experts, has an important complementary role to play in providing advice to the Commission on Human Rights, inter alia, with regard to human rights violations and new developments in the field of human rights,

Mindful that the Sub-Commission also provides a forum for non-governmental organizations in consultative status with the Economic and Social Council and that they can make important contributions to the work of the Sub-Commission in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968,

Convinced that the impartiality and objectivity of the Sub-Commission and the independence of its members and their alternates are essential for its credibility and effectiveness,

Fully aware that both the credibility and the effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments and devote the time necessary to their mandate,

Convinced that studies commissioned by the Sub-Commission should be carried out by members of the Sub-Commission or their alternates and that such studies need to be given thorough consideration and adequate follow-up,

Noting with appreciation the ongoing dialogue of the Sub-Commission with the Committee on the Elimination of Racial Discrimination and the need for thorough preparation of such contacts,

Stressing the need for enhanced cooperation between the Commission and the Sub-Commission and recalling the continuing importance for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure complementarity and avoid duplication,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members and alternates;

3. Requests States nominating candidates for the Sub-Commission, and the Secretary-General, to make nominations known sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

4. Reaffirms that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, in accordance with its mandate, as well as the presentation of the results of the examination to the Commission;

5. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

6. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to observe the resolutions and decisions of the Commission and the Economic and Social Council regarding its work;

7. Takes note of Sub-Commission decision 1995/113 of 24 August 1995 to continue its practice of considering item 6 of its agenda, entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent territories", starting on the day after the adoption of the agenda, and welcomes Sub-Commission decision 1995/115 of 24 August 1995 to consider at its forty-eighth session how best to carry out its mandate in examining violations of human rights under this agenda item;

8. Also takes note of Sub-Commission decision 1995/112 of 24 August 1995 to adopt, on an experimental basis, new procedures according to which the exercise of the right of reply will be restricted to the end of the debate on the respective agenda item and allegations of violations of human rights made under agenda item 6 cannot be repeated under any other agenda item;

9. Requests the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication with the Commission and its mechanisms and, in this context, taking into account the views of Member States, to give particular attention to:

- (a) Further rationalization of its agenda;
- (b) Selection of subjects for studies, as well as the commissioning, number, treatment and time-frame of studies and reports;
- (c) The functioning and mandate of its mechanisms;
- (d) The need to focus on the implementation of existing human rights standards and mechanisms;
- (e) The consideration of alleged violations of human rights;
- (f) The need for enhanced cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies including the human rights treaty bodies; and
- (g) The composition of the Sub-Commission and criteria for membership;

10. Takes note of Sub-Commission decision 1995/114 of 24 August 1995 to earmark part of its forty-eighth session for a closed exchange of views among the experts and their alternates, and requests the Sub-Commission to devote a portion of these closed meetings to consideration of the outcome of the review of its mandate and working methods;

11. Decides to consider the report of the Sub-Commission on this issue at its fifty-third session in the context of the review of the mandate and working methods of the Sub-Commission;

12. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all official United Nations languages in good time before the session;

13. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

14. Requests the Chairman of the Sub-Commission at its forty-eighth session to report to the Commission at its fifty-third session on significant aspects of the work of the Sub-Commission.