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Agenda item 22

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

Rapporteur: Ms. Lucy Gwanmesia

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* E/CN.4/Sub.2/1996/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.2/1996/L.11 and Addenda.

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1996/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 34th meeting, on 29 August 1996, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission.

Regional groups	Communications	Indigenous population	Minorities	Contemporary forms of slavery
Africa	Mr. F. Yimer Ms. C.E. Mbonu (Alternate)	Mr. E. Guissé	Mr. A. Khalil Mr. M. Mehedi (Alternate)	Ms. H.E. Warzazi Ms. L. Gwanmesia (Alternate)
Asia	Mr. G. Fan Guoxiang Mr. S. Zhong Shukong (Alternate)	Mr. R. Hatano Mr. Y. Yokota (Alternate)	Mr. M.S. Ali Khan Mr. O. El-Hajjé (Alternate)	Mr. O. El-Hajjé Mr. M.S. Ali Khan (Alternate)
Latin America	Mr. A. Diaz Uribe Mr. H. Fix Zamudio (Alternate)	Mr. M. Alfonso Martínez Mr. J. Bengoa (Alternate)	Mr. J. Bengoa Mr. M. Alfonso Martínez (Alternate)	Mr. J.A. Lindgren Alves Mrs. M. Ferriol Echevarría (Alternate)
Eastern Europe	Mr. T. Ramshivili	Mr. V. Boutkevitch	Mr. S.V. Chernichenko	Mr. I. Maxim
Western Europe	Mr. C. Palley Mr. M. Bossuyt (Alternate)	Ms. I.A. Daes Mr. D. Weissbrodt (Alternate)	Mr. A. Eide	Mr. M. Bossuyt Ms. G. McDougall (Alternate)

[See chaps. X, XV, XVI and XIII]

1996/112. Methods of work of the Sub-Commission

At its 34th meeting on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, aware that its present schedule does not allow it to devote sufficient time to its work, in particular to the study of documents, the preparation of draft resolutions and the undertaking of sufficiently wide consultations among its members and with representatives of Governments and non-governmental organizations, and convinced that the time devoted to formal meetings could be reduced if the meetings were rescheduled to take place over a longer period, thereby allowing time for more frequent informal consultations, decided without a vote to request the Secretary-General to examine the financial and other implications of organizing its sessions according to each of the following three proposals: (a) one session of four weeks with two meetings each working day; (b) one session of five weeks with one week of two meetings each working day and

four weeks of one meeting each working day; (c) one session of six weeks of one meeting each working day. The Sub-Commission also decided to request the Secretary-General to submit a report on his examination of this matter at its forty-ninth session.

1996/113. Reform of the work of the Sub-Commission

At its 34th meeting on 29 August 1996, the Sub-Commission, recalling Commission resolution 1996/25 of 19 April 1996, in which the Sub-Commission was requested to review the selection of subjects for studies, as well as the commissioning, number, treatment and time-frame of studies and reports, recognizing the need of the Sub-Commission to bring to a successful conclusion studies which had been initiated, believing that the Sub-Commission should consider carefully how to respond to the Commission's request and recognizing the need to initiate at its forty-eighth session one or more working papers so as to be able to select subjects for studies at later sessions, decided by 18 votes to 3, with 2 abstentions that at its forty-eighth session the Sub-Commission would not propose any new studies or reports, with the exception of working papers without financial implications and of those cases in which studies or reports were specifically recommended by a competent working group of the Sub-Commission.

1996/114. Methods of work of the Sub-Commission

At its 34th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, mindful of the need for and merit of having a consolidated set of the rules of procedure that are fully applicable to it, decided without a vote to entrust Mr. Ribot Hatano with the task of preparing, without financial implications, a working paper relating to the methods of work of the Sub-Commission, to be submitted to it at its forty-ninth session as a basis for discussion, which will contain:

(a) A compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission;

(b) A list of the procedural questions which need to be resolved by the Sub-Commission. The Sub-Commission also decided to request the Secretariat to provide Mr. Hatano with all the assistance he might need in the preparation of the working paper.

1996/115. Methods of work of the Sub-Commission regarding agenda item 6

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, noting that the Commission on Human Rights in its resolution 1996/25 of 19 April 1996 had requested 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, and considering it inappropriate to draw to the attention of the Commission situations which the Sub-Commission had reason to believe revealed consistent patterns of violations of human rights and fundamental freedoms, in accordance with Commission resolution 8 (XXIII) of 16 March 1967, when those situations were already under consideration in the Commission, decided by 19 votes to 3, with 2 abstentions to take no action at its forty-ninth session under item 6 of its agenda in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations.

1966/116. Recognition of gross and massive violations of human rights as an international crime

At its 35th meeting on 29 August 1996, the Sub-Commission, recalling its resolution 1995/22 of 24 August 1995 in which it had reiterated its recommendation that the Commission on Human Rights appoint a special rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", recalling also Commission decision 1996/105 of 19 April 1996 in which the Commission had decided without a vote to postpone forwarding that request to the Economic and Social Council in order to be able to take into account the work of other United Nations bodies in that field, including that of the International Law Commission, and believing that an expanded working paper on the subject would contribute to a better understanding of the subject and would not interfere with the work of other United Nations bodies, decided to request Mr. Stanislav Chernichenko to prepare, without financial implications, an expanded working paper to be entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime"; and decides to request Mr. Chernichenko to submit his expanded working paper in time to be considered by the Sub-Commission at its forty-ninth session.

1996/117. Democratic society

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request Mr. Osman El-Hajjé to prepare, without financial implications, an expanded working paper on the ways and means of promoting democracy and how democracy can ensure economic, social, cultural and political rights and to identify, inter alia, a list of obstacles to democracy, and to present that working paper to the Sub-Commission at its forty-ninth session.

[see chap. V.]

1996/118. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolutions 1994/116 of 26 August 1994 and 1995/118 of 24 August 1995, decided, without a vote:

- (a) To take note of the third (last) progress report (E/CN.4/Sub.2/1996/23) submitted by Mr. Miguel Alfonso Martínez, Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations;
- (b) To request the Special Rapporteur to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session;
- (c) To request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights; and
- (d) To recommend that the Commission on Human Rights request the Economic and Social Council to endorse this decision.

[see chap. XV.]

1996/19. The administration of justice and the human rights of detainees

Having considered the final report on the question of the impunity of perpetrators of violations of human rights (civil and political rights) (E/CN.4/Sub.2/1996/18) prepared by Mr. Louis Joinet, the Sub-Commission on

Prevention of Discrimination and Protection of Minorities, at its 35th meeting on 29 August 1996, decided, without a vote, to request the Special Rapporteur to submit to it at its forty-ninth session a revised version of the set of principles for the protection and promotion of human rights through action to combat impunity contained in annex II of the final report, taking into account the comments and observations received.

1996/120. Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to entrust two of its members, Mr. José Bengoa and Mr. Mustafa Mehedi, with the preparation, without financial implications, of a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, together with two members of the Committee on the Elimination of Racial Discrimination, Mr. Garvalov and Mrs. Sadiq Ali, to be submitted to the two bodies at their respective sessions in August 1997.
