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of Minorities
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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.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE
WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER
SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE
WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

1. The Sub-Commission considered item 9 at its 30th, 31st, 32nd, 33rd, 34th and 36th meetings on 27 to 30 August 1996.
2. By resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a Working Group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.
3. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.
4. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-fourth session, held from 22 July to 1 August 1996 (E/CN.4/Sub.2/1996/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-seventh session in 1995, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of Government replies, including detailed and substantive replies, had been received, in response to communications forwarded to Governments under Council resolution 728F (XXVIII). The Sub-Commission wishes to stress in this connection that Government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expresses the hope that all Governments will in the future respond to communications transmitted to them and thereby contribute to further development in international cooperation in the field of human rights.
5. It further noted that some Governments seem to take exception to receiving communications from the Centre for Human Rights under the procedure.

This reflects a misunderstanding of the role of the Secretariat, which is duty-bound, pursuant to paragraph 2 (e) of Council resolution 728 F (XXVIII), to furnish each Member State with a copy of any communication concerning human rights which refers explicitly to that State, without engaging in any pre-screening of communications so transmitted. It is the role of the Working Group and the Sub-Commission to evaluate the contents of communications pursuant to the criteria set out in Council 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV). Any criticism directed at the Secretariat for transmitting communications to Member States is, therefore, unwarranted and inappropriate.

6. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-seventh session.

7. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-ninth session, in 1997, and to take no action with regard to other communications.

8. At its ... meeting (closed part), on 30 August 1996, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

9. At its 34th meeting, on 29 August 1996, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-ninth session. For the composition of the working group, see chapter II, section B, decision 1996/111.
