



Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1998/L.11/Add.3
26 August 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fiftieth session
Agenda item 14 (c)

CONCLUDING ITEMS:

ADOPTION OF THE REPORT ON THE FIFTIETH SESSION

Draft report of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities

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* Documents E/CN.4/Sub.2/1998/L.10 and addenda will contain the 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.2/1998/L.11 and addenda.

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1997/101. Sessional working group on the administration of justice

At its 2nd meeting, on 4 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/103 of 6 August 1996 and 1996/119 of 29 August 1996, decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 9.

[See chap. III.]

1998/102. Voting by secret ballot

At its 25th meeting, on 19 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. IV.]

1998/103. The rights of non-citizens

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided, without a vote, to entrust Mr. David Weissbrodt with the preparation, without financial implications, of a working paper on the rights of persons who are not citizens of the country in which they live, to be submitted under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", in order to enable it to take a decision at its fifty-first session on the feasibility of a study on that subject. The working paper should take into account comments on the scope of such a study made during the fiftieth session of the Sub-Commission, including, for example, developments since the adoption in 1985 of the Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live, overcoming impediments to ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families, discrimination between different groups of non-citizens, the implications of dual citizenship, ways of contributing to the efforts of the working group of

intergovernmental experts on the human rights of migrants of the Commission on Human Rights, and ways of contributing material on this topic to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

[See chap. V.]

1998/104. Globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to entrust Mr. Joseph Oloka-Onyango with the preparation, without financial implications, of a working paper on the topic of globalization in the context of the increase in incidents of racism, racial discrimination, and xenophobia for submission under the agenda item entitled, "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", to be considered at its fifty-first session, as a contribution to the preparation of the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, and to explore cooperation on this issue, if needed, with the Committee on the Elimination of Racial Discrimination.

[See chap. V.]

1998/105. Transmission of Sub-Commission resolution 1996/22 to the Secretary-General

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/22 of 29 August 1998, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", in which it requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received, decided, without a vote, to request the Commission on Human Rights to transmit the full text of resolution 1996/22 once again to the Secretary-General.

[See chap. VI.]

1998/106. The right to food

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1997/108 of 22 August 1997 in which it decided, without a vote, to request Mr. Asbjørn Eide to review and update, without financial implications, his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and having received and examined with satisfaction Mr. Eide's report (E/CN.3/Sub.2/1998/9), decided, without a vote, to request Mr. Eide to complete, without financial implications, the review and update of the report on the right to food and to submit the final version of the updated study to the Sub-Commission at its fifty-first session in 1999.

[See chap. VII.]

1998/107. Study on treaties, agreements and other
constructive arrangements between States
and indigenous populations

At its 29th meeting, on 21 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1997/110 of 22 August 1997 and considering that the late submission by the Special Rapporteur of his final report on the study allowed only limited discussion of his report during the 1998 sessions of the Working Group on Indigenous Populations and the Sub-Commission, decided, without a vote, to request the Special Rapporteur to submit, not later than 31 March 1999 and in order for further discussions on his final report to take place during the Working Group's seventeenth session and the Sub-Commission's fifty-first session, a new version of his final report, including any revisions that might be introduced to the present unedited English version of that document in the light of the debates held at the 1998 sessions in both bodies, and to request the Secretary-General to give the Special Rapporteur all necessary facilities to secure the completion of this task, in particular the distribution of his final report in all working languages to the Working Group and the Sub-Commission in time for their respective 1999 sessions.

[See chap. IX.]

1998/108. Working paper on the methods of work of the Sub-Commission

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, noting that it was unable to examine the revised working paper on its methods of work submitted by Mr. Ribot Hatano pursuant to Sub-Commission resolution 1997/16 (E/CN.4/Sub.2/1998/3) owing to its involvement, under item 1 (c) of its agenda, in the review of mechanisms of the Commission on Human Rights by the Bureau of the Commission, decided to invite all members of the Sub-Commission, Governments and non-governmental organizations to submit comments to the secretariat on the revised working paper by 15 October 1998. The Sub-Commission also decided, without a vote, to request Mr. Hatano to take into account the comments received, the remarks made on this subject during the fiftieth session and the note by the Chairman on enhancing the effectiveness of the Sub-Commission (E/CN.4/Sub.2/1998/38) in preparing a further revision of his working paper, without financial implications, to be submitted to the Sub-Commission at its fifty-first session. The Sub-Commission further decided to consider the new revised working paper at its fifty-first session on a priority basis in private meetings, and to complete its examination of the working paper at the fifty-first session.

[See chap. III.]

1998/109. Composition of the pre-sessional working groups of the Sub-Commission

At its 35th meeting, on 26 August 1998, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission:

Regional group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Africa	Mr. Yimer	Mr. Guissé	Mr. Mehedi	Ms. Warzazi
	Mr. Oloka-Oyango (alternate)		Mr. Khalil (alternate)	Mr. Sik Yuen (alternate)
Asia	Mr. Fan Guoxiang	Mr. Hatano	Mr. Sorabjee	Mr. Park
	Mr. Zhong Shukong (alternate)	Mr. Yokota (alternate)		

Regional group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martínez	Mr. Bengoa	Mr. Pinheiro
	Mr. Salinas Rivera (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Ms. Ferriol Echevarría (alternate)
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Kartashkin	Mr. Maxim
	Mr. Kartashkin (alternate)	Mr. Shamshur (alternate)		Ms. Motoc (alternate)
Western Europe	Mr. Weissbrodt	Ms. Daes	Mr. Eide	Ms. Koufa
	Ms. Hampson/ Ms. Cook (alternate)	Ms. Hampson/ Ms. Cook (alternate)	Mr. Helgesen (alternate)	Mr. Weissbrodt/ Ms. Cook (alternate)

[See chaps. III, VIII, IX, X, XV.]

1998/110. Sessional working group on the administration of justice

At its 35th meeting, on 26 August 1998, 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 (E/CN.4/Sub.2/1998/19), decided, without a vote, to endorse the following decisions of the working group: (a) to transmit the draft international convention on the protection of all persons from enforced disappearance, as revised, to the Commission on Human Rights for consideration (Sub-Commission resolution 1998/25); (b) to request Mr. El Hadji Guissé to continue the preparation for the working group of an annual report on the evolution of capital punishment; (c) to request Mr. Miguel Alfonso Martínez to submit to the working group an annual update on the privatization of prisons, taking into account the note prepared by Ms. Hampson on this subject and other relevant documents; (c) to request Mr. Fix Zamudio to submit a working paper to the working group on a possible study entitled "Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level", all of the foregoing without financial implications.

The Sub-Commission, noting the establishment, in accordance with Economic and Social Council resolution 1997/30, of the Coordination Panel on

Technical Advice and Assistance, and noting also that the issue of the recognition of gross and massive violations of human rights as an international crime is being addressed by the International Law Commission and in the Statute of the International Criminal Tribunal, also decided, without a vote, to take note of the decision of the working group, pursuant to Commission resolution 1998/28 of 17 April 1998, to delete the items of its agenda entitled "Juvenile justice" and "Recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", in order to avoid duplication with the work undertaken by other bodies.

[See chap. XI.]

1998/111. Working paper on a study of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolutions 1997/36 and 1997/37 of 28 August 1997 and taking note of the circumstances surrounding the inability of Ms. Clemencia Forero Ucros to submit her working paper, decided, without a vote, to request her to submit it to the Sub-Commission at its fifty-first session.

[See chap. XIV.]

1998/112. Adverse consequences of economic sanctions on the enjoyment of human rights

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1997/35 of 28 August 1997, decided, without a vote, to continue consideration of the adverse consequences of economic sanctions on human rights at its fifty-first session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

[See chap. XIV.]

1998/113. Reservations to human rights treaties

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling the letter from the Chairman of the Committee on the Elimination of Racial Discrimination addressed to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31, annex), which includes a proposal for a study to be undertaken on reservations to treaties, the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women

and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission (E/CN.4/Sub.2/1998/25), and recalling also the Vienna Declaration and Programme of Action which emphasized the need to limit the number and scope of reservations to human rights treaties, decided, without a vote, to request Ms. Françoise Jane Hampson to prepare, without financial implications, a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties, and to submit the working paper at its fifty-first session.

[See chap. XIV.]

1998/114. Humanitarian situation in Iraq

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/107 of 20 August 1996 and 1997/119 of 28 August 1997 and its resolution 1997/35 of 28 August 1997, believing that measures such as embargoes should be limited in time and should be lifted even if the legitimate objectives of the measures have not yet been attained, affirming once again the need to respect 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; noting with grave concern the immense suffering endured by the Iraqi people, and by children in particular; drawing attention to the alarming accounts in numerous reports by the United Nations, the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (E/CN.4/1998/67), and reports of specialized agencies concerning the situation of innocent people who are suffering an unacceptable decline in levels of health, nutrition, health care and employment and in agriculture; pointing out in that regard that the Secretary-General stated in his report to the Security Council on the "oil for food" programme in February 1998 (S/1998/90) that infant mortality in Iraq was rising, that the water supply situation continued to deteriorate, and that farm output would be able to meet only 10 per cent of required nutritional levels; noting with satisfaction that many non-governmental

organizations and personalities from a variety of countries, including the United States of America, have organized humanitarian convoys for Iraq, thus displaying their disapproval of the adverse consequences of an embargo that deprives an entire population of food, care and education; having in mind general comment No. 8 (1977) adopted by the Committee on Economic, Social and Cultural Rights; considering any embargo that condemns an innocent people to hunger, disease, ignorance and even death without attaining the objectives for which it was declared to be a flagrant violation of the economic, social and cultural rights of the people concerned and of international law, the Sub-Commission decided, without a vote, to appeal to the international community and, in particular, to the Security Council for the embargo provisions affecting the humanitarian situation of the population in Iraq to be lifted. It also decided to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. XIV.]

1998/115. Observance of human rights by States not parties to United Nations human rights conventions

At its 35th meeting on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on ways in which the Sub-Commission can examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions and to submit it at the fifty-first session of the Sub-Commission. The Sub-Commission also decided to amend the title of the sub-item entitled "Encouragement of universal acceptance of human rights instruments" by adding the words "and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions", and to make this an annual sub-item of the agenda.

[See chap. XIV.]

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