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Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 14 (c)

CONCLUDING ITEMS:

ADOPTION OF THE REPORT ON THE FIFTY-FIRST SESSION

Draft report of the Sub-Commission on the Promotion
and Protection of Human Rights

Rapporteur: Mr. Paulo Sérgio PINHEIRO

CONTENTS*

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)		

* E/CN.4/Sub.2/1999/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.2/1999/L.11 and addenda.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

1. The Sub-Commission considered agenda item 2 at its 3rd to 6th, 24th, 25th, 30th, 31st, 33rd and 34th meetings, on 4, 5, 20, 24, 25, 26 and 27 August 1999.
2. For the list of documents issued under agenda item 2, see annex VII to the present report.
3. In the general debate on agenda item 2, statements were made by members of the Sub-Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex II.
4. At the 5th meeting, on 5 August 1999, in connection with a statement made by Mr. Zhong, statements were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Joinet, Mr. Kartashkin and Ms. Warzazi.

Situation of human rights in Togo

5. At the 24th meeting, on 20 August 1999, Mr. Joinet withdrew draft resolution E/CN.4/Sub.2/1999/L.7, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Togo

"The Sub-Commission on the Promotion and Protection of Human Rights,
"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

"Bearing in mind that Togo is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and Protocol I thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

"Concerned about the allegations of serious violations of the human dignity, physical integrity and life of certain persons, especially in the form of extrajudicial executions,

"Taking note of the controversy brought to the Sub-Commission's attention concerning the truth or otherwise of these allegations or their extent,

"Mindful of the urgent need to ensure that appropriate and effective investigations are undertaken in order to establish the truth in an impartial and independent manner,

"1. Welcomes the announcement made by the Togolese authorities of the Government's approval of the establishment for this purpose of an international commission of inquiry into these allegations;

"2. Expresses the hope that initiatives will quickly be taken, in cooperation with the Government, to ensure the earliest possible establishment of the commission, its independence and its impartiality, in particular taking into consideration guiding principles 5 to 12 relating to the establishment of extrajudicial commissions of inquiry, adopted by the Sub-Commission at its forty-ninth session (E/CN.4/Sub.2/1997/20/Rev.1, annex II);

"3. Suggests to this end that an initiative should be taken in the context of the mandate of the United Nations High Commissioner for Human Rights, or by any other qualified authority;

"4. Calls on the Togolese Government, first, to provide the international commission with support and assistance to enable it to perform its task competently and within a reasonable time, and secondly, to take concrete initiatives to enable the competent police and judicial authorities to cooperate fully with the commission;

"5. Recommends to the Commission on Human Rights that it consider the development of the human rights situation in Togo at its next session or, failing that, decides to continue consideration of the development of this situation at the fifty-second session of the Sub-Commission, under the same item of its agenda."

6. At the same meeting, the Chairman informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.7 had been replaced by a statement by the Chair. In this connection, the Chairman, on behalf of the Sub-Commission, made the following statement concerning the situation of human rights in Togo:

"Concerned by the allegations that several hundred people were victims of extrajudicial executions in Togo in 1998, the Sub-Commission has taken note of the controversy which has arisen as to whether or not, or the extent to which, these allegations are true,

"Considering that, on account of this controversy, it was urgent that appropriate and effective investigation be undertaken in accordance with international norms and in an impartial and independent manner, so as to establish the truth,

"Following the constructive discussions which the Togolese delegation had, including with the Office of the United Nations High Commissioner for Human Rights and members of the Sub-Commission,

"The Sub-Commission:

(a) On the one hand, welcomes with satisfaction the initiative of the Government of Togo to create an international commission of inquiry in accordance with international norms;

(b) On the other hand, welcomes favourably the proposal of the Government of Togo to request the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to set up the commission of inquiry in accordance with international norms;

(c) Takes note of the willingness of the Government of Togo to ask the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to provide, as required, the assistance necessary for the proper functioning of the international commission of inquiry;

"In addition, taking account of the observations of the Sub-Commission, the Government of Togo has undertaken:

(a) To provide the international commission of inquiry with help and assistance so that it will be able to accomplish its task with competence and within a reasonable time in accordance with international norms;

(b) To take all appropriate measures to ensure that the competent authorities cooperate fully with the international commission of inquiry.

"The Sub-Commission would request to be informed by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, at its next session, of the results of the efforts taken in the framework of the present statement."

7. Statements in this connection were made by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Mr. Pinheiro, Mr. Sorabjee, Ms. Warzazi and Mr. Weissbrodt.

8. The observer for Togo made a statement.

9. A statement was also made by Mr. Bertrand Ramcharan, Deputy United Nations High Commissioner for Human Rights.

Situation of human rights in the Congo

10. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.5, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt.

11. A statement in connection with the draft resolution was made by Mr. Guissé.

12. The observer for the Republic of the Congo made a statement.

13. At the proposal of Ms. Warzazi, Mr. Bossuyt orally revised operative paragraph 1 (a) and inserted a new operative paragraph as paragraph 2, renumbering the subsequent operative paragraphs accordingly.

14. At the request of Mr. Fan, a vote was taken. The draft resolution, as revised, was adopted by secret ballot by 20 votes to 3, with 2 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/1.

Situation of human rights in Belarus

15. At the same meeting, Mr. Weissbrodt withdrew draft resolution E/CN.4/Sub.2/1999/L.6, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Mehedi, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Belarus

"The Sub-Commission on the Promotion and Protection of Human Rights,
"Reaffirming that all member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

"Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the four Geneva Conventions of 1949,

"Noting Commission on Human Rights resolution 1999/81 and recalling resolution 1998/28 in which the Commission encouraged the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission,

"Noting also Commission resolution 1999/36 and recalling resolution 1998/42, in which the Commission appealed to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms,

"Recalling Commission resolution 1998/21 and noting resolution 1999/57, in which the Commission recognized that tolerance and pluralism strengthen democracy, facilitate the enjoyment of all human rights, and thereby constitute a sound foundation for civil society, social harmony and peace,

"Recalling also Commission resolution 1998/35 and noting resolution 1999/31, in which the Commission stated that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

"Recalling further its resolution 1998/1, in which the Sub-Commission expressed its deep concern at the reports that Belarusian authorities unlawfully imprison, detain or otherwise harass Belarusian political leaders, journalists and human rights defenders,

"Welcoming the statement made by President Lukashenko on 2 July 1999, in which he indicated that his Government was ready for a dialogue concerning the further development of democracy in the country,

1. Expresses its deep concern:

(a) At the persistent alleged reports that Belarusian authorities continue unlawfully to detain for short periods or otherwise harass Belarusian political leaders, journalists and human rights defenders when they attempt to

exercise their right to free expression by seeking to expose, criticize or otherwise comment on abuses of power by government officials, resulting in a climate of fear and intolerance;

(b) At the concentration of legislative power in the executive branch of government and a weak judiciary whose independence has been continuously undermined, such that the rule of law has not been preserved;

(c) At the lack of meaningful democratic process within the country, which compromises the rights of Belarusian citizens freely to participate in political, economic and social life;

"2. Calls upon the Government of Belarus:

(a) To comply with international human rights law by protecting the integrity and rights of journalists and human rights workers by allowing them to function;

(b) To create adequate conditions for the non-violent activities of non-governmental organizations;

(c) To take effective steps to ensure the independence of the judiciary and the integrity of the democratic process;

(d) To begin negotiations with political parties representing different views;

(e) To create conditions for and to hold democratic free elections;

(f) To review all relevant legislation so as to protect human rights and democracy;

"3. Decides:

(a) To request the Secretary-General to report on the human rights situation in Belarus to the Commission on Human Rights and to the Sub-Commission;

(b) To recommend that the Commission on Human Rights consider the situation of human rights in Belarus at its next session;

(c) If the Commission is unable to take action on the situation of human rights in Belarus, to continue consideration of the matter at its fifty-second session under the same agenda item."

16. The observer for Belarus made a statement.

17. At the same meeting, the Chairman informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.6 had been replaced by a statement by the Chair. In this connection, the Chairman, on behalf of the Sub-Commission, made the following statement concerning the situation of human rights in Belarus:

"I would like to thank the Ambassador for his statement. It is my understanding, based on what you have just said, Mr. Ambassador, that the Government of Belarus is prepared to take the following steps in order to further promote and protect human rights within the country:

"First, that the Government of Belarus will invite the Special Rapporteur on the independence of judges and lawyers and the Working Group on Arbitrary Detention to visit the country, and that at least one of these visits will actually take place before the Sub-Commission convenes at the beginning of August 2000.

"Second, that the Government of Belarus will undertake to do everything necessary during this coming year to join the Council of Europe and then sign and ratify the European Convention on Human Rights. The Government of Belarus will also make best efforts to withdraw its reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prior to the Sub-Commission convening at the beginning of August 2000.

"Third, the Government of Belarus will undertake a series of legislative reforms to improve the protection of human rights and democracy. For example, next year the Government of Belarus will create a post of independent Ombudsman and hold free and fair parliamentary elections. The Government of Belarus also recognizes that free and fair elections require at least providing equal access to the State-controlled media, ensuring that newspapers and magazines are not subject to censorship, and ensuring freedom of assembly and the right to peaceful demonstration.

"Fourth, the Government of Belarus will prepare a written report to the Sub-Commission and submit that report in time to be distributed at the Sub-Commission's session in August 2000 as to the steps it has taken in this regard.

"I would like to express my gratitude to the delegation of Belarus, and to the Ambassador for his statement. This statement is a very important indication of good will and commitment to the improvement of human rights

within the country. These are very positive developments and the Sub-Commission will look forward to the progress that Belarus will make in the area of human rights over the coming year."

18. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee and Ms. Warzazi.

19. At its 25th meeting, on 20 August 1999, the Sub-Commission resumed consideration of the situation of human rights in Belarus.

20. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Weissbrodt proposed to adjourn the debate on this subject. His motion was adopted without a vote by the Sub-Commission.

21. Statements in this connection was made by Mr. Bossuyt, Mr. Fan, Mr. Guissé, Ms. Warzazi and Mr. Weissbrodt.

22. For the text of the decision, see chapter II, section B, decision 1999/105.

Question of the violation of human rights and fundamental freedoms in all countries

23. At its 25th meeting, on 20 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.12/Rev.1, sponsored by Mr. Alfonso Martínez.

24. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Fan, Mr. Guissé, Mr. Joinet, Mr. Pinheiro and Ms. Warzazi.

25. At the request of Mr. Bossuyt, a vote was taken. The draft resolution was adopted by secret ballot by 15 votes to 7, with 3 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/2.

Violations of the rights of human rights defenders in all countries

26. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.15, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt. Mr. Guissé subsequently withdrew as a sponsor.

27. Mr. Bengoa orally revised operative paragraph 3 of the draft resolution and the annex thereto.

28. Statements in connection with the draft resolution were made by Mr. Bengoa, Mr. Diaz-Uribe, Mr. Fan, Mr. Guissé, Mr. Joinet, Mr. Mehedi, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

29. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Guissé proposed to adjourn the debate on this subject. His motion was rejected by 8 votes to 15, with 2 abstentions.

30. Statements in connection with the draft resolution were made by the observers for Myanmar, the Islamic Republic of Iran, the Syrian Arab Republic and Tunisia.

31. At the request of Mr. Diaz-Uribe, a vote was taken on the draft resolution. The draft resolution, as revised, was adopted by secret ballot by 18 votes to 6, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1999/3.

The death penalty, particularly in relation to juvenile offenders

32. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.16, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro and Mr. Sik Yuen.

33. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Sik Yuen, Ms. Warzazi and Mr. Yimer.

34. Ms. Hampson orally revised operative paragraph 3 of the draft resolution and deleted the annex attached thereto.

35. Ms. Warzazi proposed to amend the eighth preambular paragraph, which would read as follows: "Prenant note des informations bien établies dont il ressort que depuis 1990, 19 délinquants juvéniles auraient été exécutés dans six pays dont 10 de ces exécutions ont eu lieu aux Etats-Unis d'Amérique et qu'en 1998 seuls les Etats-Unis d'Amérique auraient exécuté des délinquants juvéniles". At the request of Ms. Warzazi, a vote was taken on her proposed amendment, which was rejected by secret ballot by 12 votes to 12, with 1 abstention.

36. Mr. Fan proposed to delete the eighth preambular paragraph. At the request of Mr. Fan, a vote was taken on his proposed amendment, which was rejected by secret ballot by 11 votes to 14.

37. At its 30th meeting, on 24 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.16.
38. Ms. Warzazi proposed to amend the eighth preambular paragraph of the draft resolution by deleting the following words: "the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America and Yemen, of which 10 occurred in the United States". At the request of Ms. Warzazi, a vote was taken on her proposed amendment, which was rejected by secret ballot by 11 votes to 12, with 2 abstentions.
39. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Guissé, Ms. Hampson and Mr. Yimer.
40. Statements in connection with the draft resolution were made by the observers for the Islamic Republic of Iran, Pakistan, Saudi Arabia and the United States of America.
41. In connection with the statement made by the observer for the United States of America, statements were made by Mr. Alfonso Martínez, Mr. Fan and Mr. Joinet.
42. At the request of Ms. Warzazi, a vote was taken on the draft resolution. The draft resolution, as revised, was adopted by secret ballot by 14 votes to 5, with 5 abstentions. For the text of the resolution, see chapter II, section A, resolution 1999/4.
- Continuing of obligations under international human rights treaties
43. At the 30th meeting, on 24 August 1999, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1999/L.17, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen and Mr. Weissbrodt. Mr. Bengoa subsequently joined the sponsors.
44. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Diaz-Uribe, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.
45. Mr. Alfonso Martínez requested a separate vote on three parts of the draft resolution as follows: (a) the eleventh, twelfth and thirteenth preambular paragraphs and operative paragraphs 4, 5 and 6; (b) the fourteenth preambular paragraph and operative paragraph 7; and (c) the fifteenth preambular paragraph and operative paragraph 8.
46. At its 31st meeting, on 25 August 1999, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1999/L.17.

47. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Fix-Zamudio, Mr. Guissé, Mr. Joinet, Mr. Pinheiro, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi and Mr. Yimer.

48. As a result of the separate votes taken at the request of Mr. Alfonso Martínez, the eleventh, twelfth and thirteenth preambular paragraphs and operative paragraphs 4, 5 and 6 were retained by 17 votes to 8. The fourteenth preambular paragraph and operative paragraph 7 were retained by 17 votes to 8. The fifteenth preambular paragraph and operative paragraph 8 were retained by 14 votes to 10, with 1 abstention.

49. A statement in connection with the draft resolution was made by the observer for Peru.

50. A vote was taken on the draft resolution as a whole. The draft resolution was adopted by secret ballot by 17 votes to 7, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1999/5. Situation of human rights in Indonesia

51. At the same meeting, Mr. Eide withdrew draft resolution E/CN.4/Sub.2/1999/L.19, sponsored by Ms. Daes, Mr. Diaz-Uribe, Mr. Eide, Mr. Goonesekere, Ms. Hampson, Ms. Motoc, Mr. Oloka-Onyango and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Indonesia

"The Sub-Commission on the Promotion and Protection of Human Rights,

"Reaffirming that all member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

"Mindful that Indonesia is a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the four Geneva Conventions of 1949,

"Noting that the situation in East Timor has been addressed within the Commission on Human Rights, which, in resolution 1997/63, expressed its deep concern at the reports of violations of human rights in East Timor, including extrajudicial killings, disappearances, torture and arbitrary detention,

"Noting also that East Timor is addressed in the reports of the Secretary-General to the Commission on Human Rights on the situation of human rights in East Timor (E/CN.4/1997/51 and Add.1, E/CN.4/1996/56, E/CN.4/1995/72, E/CN.4/1994/61), as well as in recent reports by the Secretary-General to the Security Council on the question of East Timor (S/1999/705, S/1999/595, S/1999/513),

"Noting further Commission resolution 1999/57 on promotion of the right to democracy, in which the Commission affirmed that democracy helps to foster the full realization of all human rights, and vice versa,

"Noting Commission resolution 1999/62, in which the Commission reiterated its invitation to States to promote a culture of peace based on the purposes and principles established in the Charter of the United Nations, respect for all human rights, democracy, education for peace, promotion of sustainable development, tolerance, respect for pluralism, positive acceptance of multiculturalism, the wider participation of women and equal opportunities for all, as an integral approach to preventing violence in its diverse manifestations,

"Concerned at continuing reports of human rights violations within Indonesia as a whole, including torture, ill-treatment, rape, disappearances, extrajudicial killings and the arrest of individuals engaging in legitimate peaceful activities,

"1. Welcomes:

(a) The recent reports by international human rights organizations that, over the past year, restrictions on political parties, independent trade unions and the media have been relaxed within Indonesia;

(b) The release of several political prisoners and prisoners of conscience;

(c) Legislation adopted in January 1999 allowing for the formation of independent political parties, as well as the democratic elections held on 7 June 1999, which were the first free elections to be conducted within Indonesia in forty-five years;

(d) The publication by the Government of Indonesia in June 1998 of a five-year National Action Plan on Human Rights, which commits the Government to ratifying eight international human rights instruments;

(e) The ratification by the Government of Indonesia of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and International Labour Organization Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize;

(f) The signing by the Government of Indonesia in August 1998 of a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights providing the basis for a technical cooperation programme;

(g) The visit, at the invitation of the Government, of the Special Rapporteur on violence against women;

"2. Expresses its concern:

(a) At reports of continued mass violence, including abuses targeted specifically against ethnic minorities, particularly in the province of Aceh and on Ambon;

(b) At the persistent pattern of human rights violations, including torture, ill-treatment, rape, disappearances, extrajudicial killings, and the arrest of individuals engaging in legitimate peaceful activities;

(c) At the prevailing climate of impunity that further encourages human rights violations by State authorities, including the military;

"3. Calls upon the Government of Indonesia:

(a) To ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without delay;

(b) To ensure the establishment of an independent and impartial judiciary that is separate from the executive branch of the Government, especially from the military, through appropriate constitutional reforms;

(c) To fulfil its stated commitment to create a separate civilian police force as soon as possible;

(d) To bring to justice, in accordance with international human rights standards, those individuals who have violated human rights, so as to alleviate the climate of impunity that exists within the country;

(e) To take immediate steps to end extrajudicial killings and excessive use of force by the security forces. In this regard, the Government of Indonesia is encouraged to issue immediate instructions to the security

forces informing them that they must act in accordance with international human rights standards at all times, including in their responses to lawful demonstrations and disturbances;

(f) To release all political prisoners unconditionally and immediately;

(g) To implement the recommendations of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women;

"4. Encourages the Government of Indonesia to invite the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct follow-up visits to Indonesia, and to invite the Special Rapporteur on the independence of judges and lawyers who has requested to visit Indonesia;

"5. Invites human rights monitoring by domestic and international non-governmental organizations in all areas of Indonesia;

"6. Decides:

(a) To request the Secretary-General to submit a report on the human rights situation in Indonesia to the Commission and the Sub-Commission;

(b) To recommend that the Commission on Human Rights consider the situation of human rights in Indonesia at its next session;

(c) That, if the Commission is unable to take action on the situation of human rights in Indonesia, to continue consideration of the matter at its fifty-second session under the same agenda item."

52. The observer for Indonesia made a statement.

53. At the same meeting, the Chairman informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1999/L.19 had been replaced by a statement of the Chair. In this connection, the Chairman, on behalf of the Sub-Commission, made the following statement concerning the situation of human rights in Indonesia:

"The Sub-Commission on the Promotion and Protection of Human Rights is encouraged by the significant improvements taking place in Indonesia towards protection of human rights. It has taken note of the lifting of restrictions on political parties and the holding in 1999 of the first free elections in 45 years in the context of a process of democratization, including liberalization of the press and an active civil society. The Sub-Commission also welcomes the submission of the new draft law on human rights and the new draft revision of the law relating to the judiciary as well as the commitment

of the Government to securing the independence of the judiciary, possibly by constitutional amendment, decisions of the People's Consultative Assembly and/or by statute. The Sub-Commission further welcomes the legal and practical separation of the national civilian police and the armed forces in April 1999 and further developments to separate them completely in two years. The five-year National Action Plan on Human Rights commits the Government to the ratification of eight treaties: the Government has thus already ratified the core conventions of the International Labour Organization, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of Racial Discrimination.

"The Sub-Commission remains concerned, however, at the persistent reports of human rights violations, including extrajudicial killings and ill-treatment, as well as continued serious violence and abuses, for example in Aceh and Ambon. The Government has taken various actions to deal with some of these concerns, for example by promoting dialogue and reconciliation in various regions, including Irian Jaya; releasing a substantial number of political prisoners and prisoners of conscience from different parts of the country; and bringing to justice or dismissing some police officers and soldiers. In its statement to the Sub-Commission the Government also committed itself to continuing to bring to justice those who violate human rights, humanitarian law and criminal law so as to combat impunity.

"The Sub-Commission notes that in April 1999 the Government announced at the fifty-fifth session of the Commission on Human Rights that it had decided to ratify both International Covenants on Human Rights during the year 2000. It is hoped that the Government will then begin to consider ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights.

"The Sub-Commission notes with satisfaction that the Government of Indonesia has already received visits from the thematic mechanisms of the Commission on Human Rights on torture (1991), extrajudicial, summary or arbitrary executions (1995), violence against women (1998) and arbitrary detention (1999). The Sub-Commission is pleased by continuing efforts to implement the recommendations of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women. It encourages the Government of Indonesia to continue its cooperation with the thematic mechanisms of the Commission, for example by inviting the special rapporteurs

for follow-up visits, and welcomes discussions towards inviting the Special Rapporteur on the independence of judges and lawyers in the context of the planned reform of the judicial system.

"In conclusion, the Sub-Commission expresses its thanks for the cooperation of the Government of Indonesia and looks forward to further dialogue and discussion."

54. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet, Mr. Pinheiro, Ms. Warzazi and Mr. Weissbrodt.

Situation of human rights in Mexico

55. At the same meeting, the Sub-Commission considered the situation of human rights in Mexico.

56. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Joinet, Mr. Pinheiro and Mr. Ramishvili.

57. The Chairman, on behalf of the Sub-Commission, made the following statement concerning the situation of human rights in Mexico:

"The Sub-Commission on the Promotion and Protection of Human Rights welcomes the positive developments which have taken place within Mexico since last year. These developments have included the ratification by the Government of Mexico of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 12 November 1998, as well as ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women on 3 December 1998. The Sub-Commission is also particularly pleased that the Government of Mexico established the National Programme for the Defence and Promotion of Human Rights on 21 December 1998. These initiatives by the Government of Mexico may help to ensure a situation in which human rights are increasingly respected and observed. In particular, the Sub-Commission welcomes the provisions of the National Programme which establish special social programmes relating to the promotion of human rights education, securing the human rights of women and children, and the alleviation of poverty. The Sub-Commission also notes that on 6 June 1999 the Federal Congress of Mexico approved a constitutional amendment providing for the complete autonomy of the National Commission of Human Rights.

"The Sub-Commission, however, wishes to express its continuing concern over the human rights situation in Mexico, and notes persistent allegations of torture, extrajudicial executions and disappearances, as well as violations perpetrated against indigenous communities within the country. The Sub-Commission also notes the concluding observations of the Human Rights Committee of 27 July 1999 in which the Committee expressed concern at the increase in actions by the armed forces within society, particularly in the States of Chiapas, Guerrero and Oaxaca. The Sub-Commission requests the Government of Mexico to take further steps urgently to implement the National Programme for the Defence and Promotion of Human Rights, as well as to investigate all human rights violations, committed by both State and non-State forces, and to take effective and concrete steps to bring the perpetrators to justice in accordance with international human rights standards.

"The Sub-Commission also takes note of the invitation addressed to the Chairperson of the Working Group on Indigenous Populations, Ms. Erica Irene Daes, by the Instituto Nacional Indigenista. In this respect, the Sub-Commission understands that the Office of the United Nations High Commissioner for Human Rights has been contacted regarding the financial implications of such a visit."

58. The observer for Mexico made a statement.

Situation of long-term refugees and internally displaced persons

[This part will be finalized upon completion of consideration of draft resolution E/CN.4/Sub.2/1999/L.18 by the Sub-Commission at its 34th meeting.]
