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COMMISSION ON HUMAN RIGHTS

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>Page</u>
II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-FIRST SESSION . . . . .	
A. <u>Resolutions</u>	
1999/16. Systematic rape, sexual slavery and slavery-like practices . . . . .	
1999/17. Report of the Working Group on Contemporary Forms of Slavery . . . . .	

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

CONTENTS ( <u>continued</u> )		
<u>Chapter</u>		<u>Page</u>
1999/18.	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery . . . . .	
1999/19.	International Decade of the World's Indigenous People . . . . .	
1999/20.	Working Group on Indigenous Populations . . . . .	
1999/21.	Working paper on indigenous peoples and their relationship to land . . . . .	
1999/22.	Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations . . . . .	
1999/23.	Prevention of discrimination against and the protection of minorities . . . . .	
1999/24.	Draft international convention on the protection of all persons from enforced disappearance . . . . .	
1999/25.	Promotion of dialogue on human rights issues . . . . .	
1999/26.	Terrorism and human rights . . . . .	
1999/27.	Reservations to human rights treaties . . . . .	
1999/28.	Observance of human rights by States which are not parties to United Nations human rights conventions . . . . .	
1999/29.	Globalization and its impact on the full enjoyment of all human rights . . . . .	
1999/30.	Trade liberalization and its impact on human rights . . . . .	
B. <u>Decisions</u>		
1999/109.	The human rights problems and protections of the Roma . . . . .	
1999/110.	Humanitarian situation in Iraq . . . . .	
1999/111.	Adverse consequences of economic sanctions on the enjoyment of human rights . . . . .	
1999/112.	Human rights in the context of HIV/AIDS . . . . .	

CONTENTS ( <u>continued</u> )		
<u>Chapter</u>		<u>Page</u>
1999/113.	Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war .	
1999/114.	Methods of work of the Sub-Commission . . . . .	
1999/115.	Rationalization of the work of the Commission on Human Rights . . . . .	
1999/116.	Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission . . . . .	

A. Resolutions

1999/16. Systematic rape, sexual slavery and  
slavery-like practices

The Sub-Commission on the Promotion and Protection of Human Rights,  
Recalling its resolution 1993/24 of 25 August 1993 and its  
decision 1994/109 of 19 August 1994, establishing the mandate and the  
framework for the study on systematic rape, sexual slavery and slavery-like  
practices during armed conflict, including internal armed conflict, as well as  
Commission on Human Rights decision 1994/103 of 4 March 1994,

Taking note in particular of its decision 1997/114 of 27 August 1998, in  
which the Sub-Commission entrusted Ms. Gay J. McDougall with the task of  
completing the study and to submit it at the Sub-Commission's fiftieth  
session,

Recalling its resolution 1998/18 of 21 August 1998,

Recalling the Rome Statute of the International Criminal Court, adopted  
on 17 July 1998 at the United Nations Conference of Plenipotentiaries, which  
specifically recognizes that sexual violence and sexual slavery committed in  
the context of either an internal or an international armed conflict may  
constitute crimes against humanity and war crimes falling within the  
jurisdiction of the Court,

Encouraged that the Rome Statute of the International Criminal Court  
also devotes useful attention to the protection and rehabilitation of victims  
of sexual violence, along with significant protections for the collection of  
evidence and the testimony of witnesses in cases involving gender-related  
violence and sexual slavery,

Recalling the final report of the Special Rapporteur on systematic rape,  
sexual slavery and slavery-like practices during armed conflict, including  
internal armed conflict (E/CN.4/Sub.2/1998/13) and welcoming with interest the  
updated information provided by the Special Rapporteur,

1. Expresses its appreciation once again to the Special Rapporteur  
for having completed this study in a timely fashion and at a crucial point in  
the development of international criminal law;

2. Endorses the accepted view that regardless of whether sexual  
violence in armed conflict occurs on an apparently sporadic basis or as part

of a comprehensive plan to attack and terrorize a targeted population, all acts of sexual violence, in particular during armed conflicts and including all acts of rape and sexual slavery, must be condemned and prosecuted;

3. Reiterates the study's conclusion that the existing international legal frameworks of humanitarian law, human rights law and criminal law clearly prohibit and criminalize sexual violence and sexual slavery in all cases;

4. Aware that the provision of the Hague Convention (IV) of 1907 Respecting the Laws and Customs of War on Land which states that States "shall be responsible for all acts committed by persons forming part of [their] armed forces" and "shall, if the case demands, be liable to pay compensation" for violations of the rules is part of customary international law;

5. Strongly endorses the Special Rapporteur's call for national and international responses to the increasing occurrence during armed conflicts, including internal armed conflicts, of acts of sexual violence and sexual slavery;

6. Calls upon all States to enact and enforce legislation incorporating relevant international criminal law into their national legal systems to allow for the effective prosecution in national courts of acts of sexual violence committed during armed conflicts;

7. Affirms at the same time that all States must ensure that their legal systems at all levels conform to their international obligations and are capable of adjudicating international crimes and administering justice without gender bias;

8. Recognizes the need to support and strengthen the ability of the International Criminal Court to prosecute all cases of sexual violence committed during armed conflicts as human rights and humanitarian law violations;

9. Reiterates that States must respect their international obligations to prosecute perpetrators and compensate all victims of human rights and humanitarian law violations;

10. Recognizes that to give effect to rules applicable in conflict situations requires the adoption and implementation of measures in peacetime;

11. Calls upon States to make possible respect for their obligations in situations of conflict by, inter alia:

(a) Adopting suitable instructions for and training of their armed forces so that they know that all forms of sexual violence and sexual slavery are criminal and will be prosecuted;

(b) Putting in place effective mechanisms for the investigation and prosecution of such offences by their own armed forces and for the protection of the victims of such offences;

(c) Seeking the technical assistance of the International Humanitarian Law Advisory Service of the International Committee of the Red Cross with regard to best practices in this field;

12. Calls upon States to provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;

13. Notes that the rights and obligations of States and individuals with respect to the violations referred to in the present resolution cannot, as a matter of international law, be extinguished by peace treaty, peace agreement, amnesty or by any other means;

14. Calls upon the High Commissioner for Human Rights to monitor the implementation of the present resolution and to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur;

15. Recommends to the Commission on Human Rights that it endorse the principles stated in this resolution at its fifty-sixth session;

16. Requests the Special Rapporteur to submit to the Sub-Commission at its fifty-second session a report containing the updated information presented at its current session, with a view to wide distribution of the entire study in all the official languages, including to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and to the Assembly of States Parties of the International Criminal Court;

17. Decides to consider the issue under the same agenda item at its fifty-second session.

33rd meeting

26 August 1999

[Adopted by 15 votes to 2, with 5 abstentions.]

See chap. VIII.]

1999/17. Report of the Working Group on Contemporary Forms of Slavery  
The Sub-Commission on the Promotion and Protection of Human Rights,  
Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session (E/CN.4/Sub.2/1999/17) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory.

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. Welcomes the expression of solidarity with the victims of contemporary forms of slavery by the General Assembly which has proclaimed 2 December as International Day for the Abolition of Slavery;

I. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. Urges Governments which have not yet done so, to ratify the Convention of 1949 on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

4. Recommends that the General Assembly declare a United Nations year against trafficking in persons, allowing sufficient time before the commencement of the year for the development of national and international plans of action;

5. Urges States to devise and adopt comprehensive national plans of action against trafficking in persons, particularly for the purposes of prostitution, based on data collection, research and analysis, and in collaboration with non-governmental organizations;

6. Requests the Office of the High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan;

7. Encourages States to collaborate with non-governmental organizations which have expertise in the field to develop national plans of action in accordance with the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1), to ensure the coordination of laws and implementing agencies relevant to the prevention of trafficking and the exploitation of prostitution and the empowerment of their victims and survivors, and to transmit such plans of action to the Working Group on Contemporary Forms of Slavery for its consideration;

8. Encourages Governments, in elaborating the draft convention against transnational organized crime, including a draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, fully to include a human rights perspective and to take into account work being done in other international forums, particularly the Working Group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of the Commission on Human Rights and the Working Group on Contemporary Forms of Slavery;

9. Congratulates the four non-governmental organizations that organized, immediately prior to the twenty-fourth session of the Working Group, a consultation with the United Nations and intergovernmental organizations on trafficking in persons, prostitution and the global sex industry, and for the fruitful dialogue among the various schools of thought



and groups and welcomes the outcome of the consultation and the consensus recommendations which are attached to the report of the Working Group on its twenty-fourth session (E/CN.4/Sub.2/1999/17, annex II);

10. Invites States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-fifth session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

11. Invites the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women to continue to address, within their mandates, the problem of trafficking and related practices of exploitation and to recommend specific measures to strengthen the regime against the traffic in persons and the exploitation of the prostitution of others, and also invites them to participate at the next session of the Working Group;

#### II. PREVENTION OF THE TRANS-BORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

12. Invites States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner the new Convention (No. 182) on the Worst Forms of Child Labour of the International Labour Organization;

13. Calls upon States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

14. Encourages cooperation among concerned States, as well as with international agencies, international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

15. Also encourages strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization (INTERPOL), responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children;

III. THE ROLE OF CORRUPTION IN THE PERPETUATION  
OF SLAVERY AND SLAVERY-LIKE PRACTICES

16. Urges all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

17. Also urges States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes;

18. Encourages existing international arrangements which aim to improve the training and professionalism of law enforcement personnel as well as their respect for human rights;

19. Decides to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices, as well as the role of international debt in the perpetuation of slavery;

IV. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

20. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children;

21. Also recommends that Governments and non-governmental organizations undertake further investigation of the misuse of the Internet for the purpose of promoting and/or carrying out trafficking, prostitution and the sexual exploitation of women and children;

22. Urges Governments to act more forcefully to eliminate the traffic in persons, the exploitation of the prostitution of others and sexual exploitation on the Internet;

23. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking, prostitution and sexual exploitation on the mental and physical well-being of women and children;

24. Requests that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

25. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry, and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation;

V. IMPLEMENTATION OF THE CONVENTIONS ON SLAVERY

26. Expresses its appreciation to Mr. David Weissbrodt and Anti-Slavery International for their working paper containing a consolidation and review of the conventions on slavery and for the executive summary of that paper (E/CN.4/Sub.2/AC.2/1999/6);

27. Recommends that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956; and the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949; the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

28. Requests the Working Group to focus each of its annual sessions on a particular issue of great importance for the abolition of slavery and to designate that issue two years prior to the annual session;

29. Expresses the hope that the Working Group will benefit from the cooperation of all States, particularly the most interested States, with regard to the particular issue selected;

30. Decides to invite concerned non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

31. Also decides that if other issues arise within its agenda which the Working Group might consider to be urgent, these issues will be allotted time and receive consideration during each session;

32. Invites the authors of the review of international standards to update the review and submit it to the Sub-Commission for its consideration and eventual transmission to the Commission;

#### VI. MIGRANT WORKERS

33. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

34. Also urges States to take necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

35. Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

36. Decides to continue consideration of this issue at its next session;

#### VII. CHILD DOMESTIC WORKERS

37. Recommends that the International Labour Organization give more emphasis to the issue of child domestic workers, in particular girl children;

38. Also recommends that the International Labour Organization establish additional country programmes for these children within its International Programme on the Elimination of Child Labour;

#### VIII. CHILD LABOUR - A GENDER PERSPECTIVE

39. Welcomes the new International Labour Convention (No. 182) on the Worst Forms of Child Labour, 1999;

40. Notes the special mention to the situation of girls in article 7, paragraph 2 (e), of the new Convention;

41. Calls upon States to eliminate all discrimination against girls in education, skills development and training and to enforce laws and regulations which ensure that no girl of primary-school age is employed as a domestic;

#### IX. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

42. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29), the Minimum Age Convention, 1973 (No. 138) and the new Convention on the Worst Forms of Child Labour, 1999 (No. 182);

43. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour to report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

44. Urges States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible, and to ensure the rehabilitation of the victims of debt bondage through economic, social and educational programmes;

45. Recommends that the countries in which debt bondage occurs be invited to attend the Working Group in order to facilitate dialogue and the consideration of best practice;

46. Invites the International Labour Organization, the World Bank, the International Monetary Fund, the World Trade Organization and other international bodies to consider debt bondage when they establish their policies;

47. Recommends once again that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

48. Invites international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage;

49. Welcomes the decision of the Working Group that bonded labour and debt bondage will be its primary focus at its twenty-fifth session in 2000;

X. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

50. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

51. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

52. Strongly encourages the Special Rapporteur to participate in the twenty-fifth session of the Working Group, in view of the importance of her contribution to its deliberations;

XI. MISCELLANEOUS

53. Urges States to take adequate steps better to regulate and monitor intercountry adoptions, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and by enacting appropriate laws to enforce its provisions;

54. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to their replies being considered at forthcoming sessions of the Working Group;

55. Appeals to all Governments to send observers to the meetings of the Working Group;

56. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

57. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

58. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

59. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

60. Again welcomes the adoption by the Commission on Human Rights of resolutions 1996/61 of 23 April 1996 and 1999/46 of 27 April 1999, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

61. Again requests the Secretary-General to designate the Office of the High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

62. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

63. Decides to make provision in its agenda for adequate discussion near the commencement of each session of the reports of the Working Group, thereby strengthening its involvement in the activities of the Working Group.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. VIII.]

1999/18. United Nations Voluntary Trust Fund  
on Contemporary Forms of Slavery

The Sub-Commission on the Promotion and Protection of Human Rights,  
Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through

established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund and the necessary cooperation between them,

Welcoming Commission on Human Rights resolution 1999/46 of 27 April 1999, requesting the Secretary-General to transmit to Governments an appeal for contributions to the Fund,

Concerned at the insufficiency of contributions to the Fund,

1. Notes with satisfaction the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery at its twenty-fourth session;

2. Expresses its appreciation to the donor Governments, non-governmental organizations and individuals, in particular the new donors, Kuwait, Saudi Arabia and Japan for their valuable contributions;

3. Encourages the activities of those non-governmental organizations financed by the Fund;

4. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

5. Urges all Governments, non-governmental organizations, other private and public entities and individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively;

6. Encourages all donors who have pledged a contribution to the Fund to contribute as soon as possible;

7. Emphasizes the need for contributions to the Fund on a regular basis and, if possible, before the end of the current year, in order to enable the Board of Trustees to recommend grants to assist representatives of organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery at its twenty-fifth session and to finance projects of humanitarian assistance by non-governmental organizations in the field;



8. Invites the members of the Board of Trustees of the Fund in a position to do so to participate at the twenty-fifth session of the Working Group;

9. Decides to continue to examine the situation and the activities of the Fund at its fifty-second session.

33rd meeting

25 August 1999

[Adopted without a vote. See chap.VIII.]

1999/19. International Decade of the World's Indigenous People  
The Sub-Commission on Promotion and Protection of Human Rights,  
Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Recalling also its resolution 1998/22,

Noting the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous peoples,

Having considered the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19),

1. Welcomes the observance of the International Day of the World's Indigenous People which took place on 30 July 1999;
2. Recommends that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the eighteenth session of the Working Group on Indigenous Populations in order to ensure as great a participation of indigenous peoples as possible;
3. Welcomes the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;
4. Recommends that the Coordinator for the Decade consider holding a special fund-raising meeting with interested permanent missions and the members of the Advisory Group to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations to assist with the work of the Office of the United Nations High Commissioner for Human Rights relating to the indigenous programme;
5. Urges Governments and intergovernmental and non-governmental organizations and individuals to contribute to the Voluntary Fund for the Decade established by the Secretary-General, and invites indigenous organizations to do likewise;
6. Recommends that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;
7. Strongly recommends that in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible, and not later than the end of International Decade in 2004 and, to this end, appeals to the members of the inter-sessional working group of the Commission on Human Rights and to all others concerned to consider ways and means to accelerate the preparation of the draft declaration;

8. Welcomes Commission on Human Rights resolution 1999/52 of 27 April 1999 in which the Commission decided to re-establish an open-ended inter-sessional ad hoc working group on the permanent forum for indigenous peoples in the United Nations system;

9. Expresses its appreciation to Mr. Richard van Rijssen, Chairperson-Rapporteur, and to the other members of the ad hoc working group for the work they have so far accomplished;

10. Recommends that the permanent forum be established as soon as possible in the course of the Decade with functions that do not duplicate those already conferred on the Working Group on Indigenous Populations, financed through the regular budget of the United Nations and securing full participation of all interested indigenous peoples;

11. Endorses the view expressed by many indigenous participants during the seventeenth session of the Working Group on Indigenous Populations that the establishment of the permanent forum should not be understood as a justification for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

12. Congratulates the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

13. Expresses its appreciation and thanks to the Government of Costa Rica for hosting the United Nations Workshop on Research and Higher Education Institutions and Indigenous Peoples in June 1999;

14. Encourages the High Commissioner for Human Rights to consider organizing a follow-up workshop to put into practice the recommendations arising from the Workshop;

15. Expresses its appreciation to the Sami Parliament, the Sami Council, the Åbo Akademi-Institute for Human Rights, and to the Government of Finland for the excellent organization of the workshop on indigenous peoples and the right to self-determination held in Inari, Finland, in June 1999;

16. Invites the High Commissioner for Human Rights to consider, as soon as possible, ways and means by which she might support the World Indigenous Nations (WIN) Games;

17. Recommends that the Higher Commissioner, in consultation with interested Governments, organize meetings and other activities within the framework of the International Decade in Africa and Asia in order, inter alia, to raise public awareness about indigenous issues in those regions;

18. Also recommends that the Higher Commissioner organize a workshop, in collaboration with the United Nations Conference on Trade and Development, the International Labour Organization, the World Trade Organization and other relevant organizations, on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the Working Group on the working methods and activities of transnational corporations;

19. Invites the Commission on Human Rights to consider organizing a world conference on indigenous issues during the last year of the International Decade of the World's Indigenous People (2004) with a view to evaluating the Decade and considering future international policies and programmes which will contribute to the reconciliation of Governments with indigenous peoples.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. IX.]

1999/20. Working Group on Indigenous Populations

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

Recalling its resolution 1998/23,

Reaffirming the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special

representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the discussions in the Working Group on Indigenous Populations during its seventeenth session on the principal theme "Indigenous peoples and their relationship to land" and the fruitful debate on indigenous peoples' health, standard-setting exercises, the permanent forum for indigenous peoples and the International Decade of the World's Indigenous People,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

1. Expresses its deep appreciation to all members of the Working Group on Indigenous Populations, and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its seventeenth session;
2. Requests the Secretary-General to transmit the report of the Working Group on its seventeenth session to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;
3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-sixth session;
4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis which might assist the open-ended inter-sessional working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;
5. Recommends that the Working Group at its eighteenth session adopt as the principal theme "Indigenous children and youth" and that the Office of the High Commissioner for Human Rights invite the United Nations Children's Fund and the Committee on the Rights of the Child to provide relevant information and, if possible, participate in the meetings of the Working Group, and that the Working Group continue to address, on a yearly basis, the issue of indigenous peoples' right to their lands and their resources;

6. Requests the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its eighteenth session;

7. Requests the High Commissioner for Human Rights, in consultation with interested Governments, to make efforts to organize meetings on indigenous issues in different parts of the world, in particular in Africa, Asia and Latin America, to provide a greater opportunity for participation of peoples from these regions and to raise public awareness about indigenous peoples;

8. Requests the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;

9. Recommends that a working paper be prepared by the Chairperson-Rapporteur on indigenous peoples and racism and racial discrimination for consideration at the preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

10. Requests Mr. Miguel Alfonso-Martínez to submit to the Working Group at its eighteenth session the working paper on possible principles and guidelines for private sector energy and mining concerns that may affect indigenous lands, as referred to in Sub-Commission resolution 1998/23;

11. Recommends that the Chairperson-Rapporteur or any other member of the Working Group be invited to take part in the preparatory meetings for the World Conference and in the World Conference itself;

12. Requests the Chairperson-Rapporteur or other member of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its eighteenth session will highlight the principal theme "Indigenous children and youth", so that the Board can bear this in mind when it meets for its thirteenth session;

13. Recommends the appointment by the Commission on Human Rights of a Special Rapporteur on indigenous issues to request and receive information

from Governments, indigenous peoples, intergovernmental and non-governmental organizations relating to the recognition, promotion and protection of the human rights of indigenous peoples;

14. Appeals to all Governments, organizations, including non-governmental organizations and indigenous groups, and individuals in a position to do so, to consider contributing to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations, the open-ended inter-sessional working group on the draft United Nations declaration on the rights of indigenous people and the open-ended inter-sessional ad hoc working group on a permanent forum;

15. Requests the Secretary-General to prepare an annotated agenda for the eighteenth session of the Working Group;

16. Requests the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for eight working days prior to the fifty-second session of the Sub-Commission;

17. Recommends to the Commission on Human Rights the following draft decision for adoption:

"The Commission on Human Rights, taking note of resolution 1999/20 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for eight working days prior to the fifty-second session of the Sub-Commission."

33rd meeting

26 August 1999

[Adopted without a vote. See chap. IX.]

1999/21. Working paper on indigenous peoples and their relationship to land

The Sub-Commission on the Promotion and Protection of Human Rights, Mindful of the development of relevant international standards and programmes which recognize, promote and affirm the rights of indigenous peoples to their lands and resources, in particular, the Indigenous and Tribal

Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development and World Bank Operational Directive 4.20,

Recognizing that despite these international, regional and national advances, problems continue to abound which impede the effective enjoyment of indigenous land and resource rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or adopt policies and practices regarding indigenous land claims and that in other instances States have not provided adequate implementing mechanisms concerning indigenous land and resource rights that are mutually acceptable to the parties concerned,

Noting the important working paper (E/CN.4/Sub.2/1997/17 and Corr.1) and the preliminary progress report (E/CN.4/Sub.2/1998/15), prepared by the Special Rapporteur, Ms. Erica-Irene Daes, which were considered by the Sub-Commission at its forty-ninth and fiftieth sessions,

Recalling its resolution 1998/21,

Having heard the introductory statement of the Special Rapporteur on indigenous peoples and their relationship to land,

Having considered the second progress report on the working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1999/18),

1. Expresses its deep appreciation and thanks to the Special Rapporteur, Ms. Erica-Irene Daes, for her substantive and important introductory statement and for her constructive second progress report on the working paper on indigenous peoples and their relationship to land;

2. Requests the Secretary-General to transmit as soon as possible the second progress report on the working paper on indigenous peoples and their relationship to land to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions;

3. Requests the Special Rapporteur to submit her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its eighteenth session and to the Sub-Commission for its consideration at its fifty-second session;



4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for her to complete her task;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 1999/... of ... August 1999, approves the Sub-Commission's request to the Secretary-General to transmit as soon as possible the second progress report on the working paper on indigenous peoples and their relationship to land (E/CN.4/Sub.2/1999/18) to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions, and to provide the Special Rapporteur with all the assistance necessary to enable her to submit her final working paper to the Working Group on Indigenous Populations at its eighteenth session and to the Commission at its fifty-second session."

33rd meeting  
26 August 1999

[Adopted without a vote. See chap. IX.]

1999/22. Final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Sub-Commission on the Promotion and Protection of Human Rights, Having considered the final report submitted by Mr. Miguel Alfonso Martínez of his study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20), Taking into account chapter VI and chapter XII, section C of the report of the Working Group on Indigenous Populations on its seventeenth session (E/CN.4/Sub.2/1999/19), in relation to this issue,

Fully aware of the importance of the conclusions and recommendations included in the Special Rapporteur's final report (E/CN.4/Sub.2/1990/20, chapter IV),

1. Takes note with appreciation of the final report submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez, of his study on treaties,

agreements and other constructive arrangements between States and indigenous populations, for the promotion and protection of indigenous rights (E/CN.4/Sub.2/1990/20);

2. Endorses the conclusions and recommendations contained in chapter IV of his final report;

3. Welcomes the in-depth discussion held on his final report at the sixteenth and seventeenth sessions of the Working Group and at the fifty-first session of the Sub-Commission;

4. Takes note of the critical remarks and observations advanced by a number of organizations and individuals participating in those debates on the Special Rapporteur's considerations, contained in paragraphs 67 to 92 of his final report, on the relevance of the concept of "indigenusness" in the particular context of present-day African, Asian and Pacific States;

5. Extends its recognition to the Special Rapporteur for having thoroughly fulfilled his mandate after ten years of intense work under conditions which were not always the most propitious for accomplishing the task entrusted to him;

6. Requests the Special Rapporteur to submit to the secretariat, not later than 15 November 1999, the corrections and additions he may consider it necessary to make to the English, Spanish and French versions of his final report, including the addenda referred to in paragraph 130 of the report of the Working Group on Indigenous Populations on its seventeenth session;

7. Also requests the Special Rapporteur to present formally, in person, to the Commission on Human Rights, at its fifty-sixth session, the revised version of his final report;

8. Requests the High Commissioner for Human Rights to organize, not later than June 2000, a seminar on treaties, agreements and other legal instruments between indigenous peoples and States to discuss possible follow-up to the study just completed by Mr. Alfonso Martínez and explore ways and means to implement the recommendations included in his final report;

9. Requests the Secretary-General to transmit, as soon as possible, the final report to Governments, indigenous peoples and organizations, as well as to intergovernmental and non-governmental organizations in order to ensure its widest possible dissemination;

10. Requests the Working Group on Indigenous Populations to remain seized of the important issue of indigenous treaties and agreements and the rights deriving therefrom during its annual sessions during the rest of the International Decade of the World's Indigenous People.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. IX.]

1999/23. Prevention of discrimination against and  
the protection of minorities

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

Noting Commission on Human Rights resolution 1999/48 of 27 April 1999 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on its fifth session (E/CN.4/Sub.2/1999/21) and in particular the conclusions and recommendations contained therein,

Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

1. Endorses the conclusions and recommendations of the Working Group on Minorities on its fifth session as contained in its report (E/CN.4/Sub.2/1999/21);

2. Welcomes the recommendation of the Working Group to request its members to prepare working papers on thematic issues;

3. Notes with satisfaction the recommendation of the Working Group to establish a database on minorities and to prepare a manual containing an overview of relevant procedures and mechanisms of regional and international organizations, as well as the commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/AC.5/1998/WP.1);

4. Decides to entrust Ms. Erika-Irene Daes and Mr. Asbjørn Eide with the preparation of a working paper, without financial implications, on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples, for submission to the next sessions of the Working Group on Minorities and the Working Group on Indigenous Populations and to the Sub-Commission at its fifty-second session;

5. Requests the Secretary-General to invite States, specialized agencies, other United Nations organs and bodies, non-governmental organizations and scholars to submit comments on the commentary to the Declaration to the Working Group on Minorities at its sixth session;

6. Requests the Secretary-General to invite the specialized agencies and United Nations bodies, including the World Bank and the International Monetary Fund, as well as regional organizations, to provide information to the Working Group on their activities and programmes in the field of minority protection;

7. Welcomes the convening of a seminar in Montreal, Canada, from 29 September to 2 October 1999 on intercultural and multicultural education and calls for the report of the seminar to be transmitted to the Working Group at its sixth session and to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its first session;

8. Appeals to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

9. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action.

33rd meeting  
26 August 1999

[Adopted without a vote. See chap. X.]

1999/24. Draft international convention on the protection of all persons from enforced disappearance

The Sub-Commission on the Promotion and Protection of Human Rights,  
Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly proclaimed the Declaration on the Protection of All Persons

from Enforced Disappearance as a body of principles for all States and urged that all efforts be made so that the Declaration became generally known and implemented,

Recalling also General Assembly resolution 41/120 of 4 December 1986, in which the Assembly recognized the value of continuing efforts to identify specific areas where further international action was required to develop the existing legal framework in the field of human rights,

Recalling further Commission on Human Rights resolution 1997/26 in which the Commission, deeply concerned, in particular, by the intensification of enforced or involuntary disappearances, took note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34) which in paragraph 31 welcomed the efforts of the Sub-Commission's sessional working group on the administration of justice to prepare a draft international convention on the prevention and punishment of enforced disappearances,

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of enforced disappearance is of the nature of a crime against humanity,

Recalling its resolution 1998/25 of 26 August 1998, in which it decided to transmit the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon as well as those of the sessional Working Group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64),

Noting Commission resolution 1999/38 of 26 April 1999 dealing with government responses to the general problem of enforced disappearances, in which the Commission took note of the draft international convention on the protection of all persons from enforced disappearance and requested the Secretary-General to renew the invitation to States, international organizations and non-governmental organizations to submit their views and comments on the matter,

1. Urges the Commission to give priority consideration to the draft international convention on the protection of all persons from enforced disappearance on account of the nature and degree of the suffering of the disappeared and of their families and friends;

2. Decides to consider the question of the draft international convention on the protection of all persons from enforced disappearance under the same agenda item at its fifty-second session.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XI.]

1999/25. Promotion of dialogue on human rights issues

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

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, as well as in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993,

Noting General Assembly resolutions 52/134 of 12 December 1997 on the enhancement of international cooperation in the field of human rights and 53/22 of 4 November 1998 on the United Nations Year of Dialogue among Civilizations,

Noting also Commission on Human Rights resolutions 1998/81 of 24 April 1998 and 1999/68 of 28 April 1999,

Reaffirming its resolutions 1997/38 of 28 August 1997 and 1998/28 of 26 August 1998,

Welcoming the collection endeavour of the international community to enhance understanding through constructive dialogue among civilizations at the threshold of the third millennium,

Bearing in mind that the international community shall strive by teaching and education to promote respect for human rights and fundamental freedoms,

Emphasizing the importance of ensuring the universality, indivisibility, objectivity and non-selectivity of the consideration of human rights issues,

1. Reiterates its commitment to international cooperation in the field of human rights, and invites governmental and non-governmental observers of the Sub-Commission to carry out constructive dialogue and consultations on human rights issues on the basis of equality and mutual respect;

2. Endorses the cooperative approach in search of common understanding and reasonable accommodation of divergent views;

3. Decides to continue its consideration of this question at its fifty-second session.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XIV.]

1999/26. Terrorism and Human rights

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

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and other relevant international instruments on human rights and humanitarian law,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993,

Affirming that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing in mind further that terrorism creates an environment that destroys the freedom from fear of the people,

Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Mindful that acts of terrorism in all their forms and manifestations, aimed at the destruction of human rights, have continued despite the efforts and measures taken at the international, regional and national levels,

Recalling its resolution 1998/29,

Reiterating the great importance of a study on terrorism and human rights,

Recalling Commission on Human Rights resolution 1998/47 and Economic and Social Council decision 1998/278 in which the Council endorsed the

Commission's decision to approve the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights,

Having considered the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1999/27),

Having heard the introductory statement made by the Special Rapporteur,

1. Expresses its deep appreciation and thanks to the Special Rapporteur, Ms. Kalliopi K. Koufa, for her excellent and comprehensive preliminary report (E/CN.4/Sub.2/1999/27) and her introductory statement;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular by providing for visits to Geneva, New York and, in particular, the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna, in order to hold consultations with the competent services and bodies of the United Nations system, to complement her essential research and to collect all the needed and up-to-date information and data;

3. Also requests the Secretary-General to transmit the preliminary report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur as soon as possible comments, information and data relating to the study on terrorism and human rights;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1999/26 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular by providing for visits to Geneva, New York and, in particular, the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna,



in order to hold consultations with the competent services and bodies of the United Nations, to complement her essential research and to collect all the needed and up-to-date information and data."

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XIV.]

1999/27. Reservations to human rights treaties

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

Recalling the letter addressed by the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31) containing a proposal that a study be undertaken on reservations to treaties,

Noting 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),

Recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights emphasized the need to limit the number and scope of reservations to human rights treaties,

Recalling also its decision 1998/113 requesting Ms. Françoise Hampson to prepare a working paper on the question of reservations to human rights treaties,

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Sub-Commission on this and other topics of mutual interest,

1. Encourages States to ratify human rights treaties without reservations and those States that have ratified human rights treaties with reservations to remove them as soon as possible;

2. Takes note of the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1) and endorses the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties;

3. Decides to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-second session, a progress report at its fifty-third session and a final report at its fifty-fourth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish this task;

5. Requests that the Special Rapporteur seek the advice and cooperation of all relevant treaty bodies;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1999/... of ... August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-second session, a progress report at its fifty-third session, and a final report at its fifty-fourth session."

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XIV.]

1999/28. Observance of human rights by States which are not parties to United Nations human rights conventions

The Sub-Commission,

Mindful of the need to examine further the ways and means of encouraging States to observe the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights and to ratify the principal United Nations human rights conventions,

1. Takes note of the working paper submitted by Mr. V. Kartashkin in accordance with Sub-Commission decision 1998/115 (E/CN.4/Sub.2/1999/29);

2. Requests Mr. Kartashkin to continue his work on the subject, without financial implications, and to submit an additional working paper to the Sub-Commission at its fifty-second session;

3. Decides to continue consideration of this question at its fifty-second session under the appropriate agenda item.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XIV.]

1999/29. Globalization and its impact on the full  
enjoyment of all human rights

The Sub-Commission on the Promotion and Protection of Human Rights,  
Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Noting that human beings strive for a world respectful of cultures, identities and human rights and in that regard work to ensure that all activities, including those affected by globalization, are consistent with these aims,

1. Takes note of Commission on Human Rights resolution 1999/59 of 28 April 1999, in which the Commission decided to request the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session;

2. Decides to entrust Mr. Joseph Oloka-Onyango with the task of preparing this study which will be presented to the Commission on Human Rights at its fifty-seventh session in 2001.

33rd meeting

26 August 1999

[Adopted without a vote. See chap. XIV.]

1999/30. Trade liberalization and its impact on human rights

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

Reaffirming that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and economic order in which the rights and freedoms set forth in the Universal Declaration can be fully realized,

Stressing that the progressive realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights is a binding obligation upon States parties,

Recalling the Declaration on the Right to Development, which recognizes that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and a duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Considering that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other major human rights instruments contain obligations and goals which are fundamental to the development process and to economic policy,

Recalling that the Vienna Declaration and Programme of Action confirmed that the promotion and protection of human rights and fundamental freedoms is the first responsibility of Governments and that the human person is the central subject of development, and that the Copenhagen Declaration and Programme of Action confirmed that social development and social justice cannot be attained in the absence of respect for all human rights and fundamental freedoms,

Recalling also its resolutions 1998/18 and 1998/12, and noting Commission on Human Rights resolution 1999/59,

Noting that the negotiations on the draft Multilateral Agreement on Investment have ceased at the Organisation for Economic Cooperation and Development but aware of proposals for provisions similar to those of the Multilateral Agreement on Investment to be incorporated in future agreements of the World Trade Organization and in the review of the Articles of Agreement of the International Monetary Fund,

Convinced of the necessity of fully integrating human rights principles in the processes of economic policy formulation,

Conscious of the World Trade Organization Ministerial Conference scheduled to take place in Seattle, United States of America, in November/December 1999,

1. Requests all Governments and economic policy forums to take international human rights obligations and principles fully into account in international economic policy formulation;
2. Declares that sanctions and negative conditionalities which directly or indirectly affect trade are not appropriate ways of promoting the integration of human rights in international economic policy and practice;
3. Calls upon Governments and international economic policy forums to undertake comprehensive and systematic studies, in consultation with United Nations and regional human rights mechanisms and relevant civil society organizations, of the human rights and social impacts of economic liberalization programmes, policies and laws;
4. Requests the United Nations High Commissioner for Human Rights to intensify efforts at dialogue with the World Trade Organization and its member States on the human rights dimensions of trade and investment liberalization, and to take steps to ensure that human rights principles and obligations are fully integrated in future negotiations in the World Trade Organization;
5. Requests the United Nations Conference on Trade and Development to include in its programme of work, especially in the context of the preparation for the Tenth Session of the United Nations Conference on Trade and Development on "Development strategies in an increasingly interdependent world: applying the lessons of the past to make globalization an effective instrument for the development of all countries and all people", a specific focus on ways and means to incorporate human rights principles in the process of international trade policy formulation;

6. Encourages the relevant civil society organizations to promote with their respective Governments the need for economic policy processes fully to incorporate and respect existing human rights obligations, and to continue to monitor and publicize the effects of economic policy that fail to take such obligations into account.

33rd meeting

26 August 1999

[Adopted by 18 votes to none, with 4 abstentions.

See chap. VI.]

B. Decisions

1999/109. The human rights problems and protections of the Roma

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, noting the issues raised in the working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1) submitted by Mr. Weissbrodt, as well as the discussion under agenda items 3 and 8, decided, without a vote, to entrust Mr. Sik Yuen with the task of preparing a working paper, without financial implications, on the human rights problems and protections of the Roma, for submission to the Working Group on Minorities at its sixth session and to the Sub-Commission at its fifty-second session, under the agenda item entitled "Prevention of discrimination against and the protection of minorities", in order to enable the Sub-Commission to take a decision at that session on the feasibility of a study on the subject.

[See chap. X.]

1999/110. Humanitarian situation in Iraq

At its 33rd meeting on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling in particular its decision 1998/114 of 26 August 1998; wishing to reaffirm that measures such as embargoes should be limited in time, should in no way affect innocent civilian populations and, for obvious humanitarian reasons, should be lifted even if the legitimate objectives of the measures have not yet been attained; reaffirming the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant provisions of the Geneva Conventions of 1949 and the two Additional Protocols thereto which prohibit the starvation of civilian populations and the destruction of what is indispensable to their survival; noting with grave concern the intense suffering endured by the Iraqi people and by children in particular; taking note with concern of reliable reports from concerned specialized agencies, international non-governmental organizations and a delegation of French parliamentarians who travelled to Iraq on an information-gathering visit in January 1999, according to which the population's standard of living has declined considerably; malnutrition still remains a major problem because of the lack of financial resources and is endemic among young children, causing

serious retardation of growth; the catastrophic health situation is leading to about 6,000 deaths a month among children under the age of five; all economic activities are affected by the deterioration of infrastructure in the areas of drinking water, electricity and agriculture, which is causing serious harm to the everyday living conditions of the population; the embargo is, according to UNESCO, causing a serious deterioration of educational facilities and university teaching, which is leading to a decline in school enrolment, a return to illiteracy and a serious lack of scientific and laboratory equipment, causing great intellectual isolation; unemployment, deficient training, and the lack of openings and prospects are affecting the future of a whole generation; also bearing in mind general comment No. 8 (1997) adopted by the Committee on Economic, Social and Cultural Rights; again considering any embargo that condemns an innocent people to hunger, disease, ignorance and even death to be a flagrant violation of the economic, social and cultural rights and the right to life of the people concerned and of international law, the Sub-Commission decided to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of 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]

1999/111. Adverse consequences of economic sanctions on the enjoyment of human rights

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1997/35 of 28 August 1997 and its decision 1998/112 of 26 August 1998, decided, without a vote, to request Mr. Marc Bossuyt to prepare, without financial implications, a working paper on the adverse consequences of economic sanctions on human rights and to submit the working paper at its fifty-second session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

[See chap. XIV.]



1999/112. Human rights in the context of HIV/AIDS

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, recalling the Guidelines recommended by the experts participating in the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/Sub.2/1997/37, annex I) and Sub-Commission resolution 1997/40 in which it welcomed the Guidelines and decided to keep the question under review, decided to entrust Mr. Alberto Díaz-Uribe with the task of preparing a working paper, without financial implications and in consultation with UNAIDS, the Office of the United Nations High Commissioner for Human Rights, interested non-governmental organizations and other interested parties, on the implementation of the Guidelines and requested him to submit it to the Sub-Commission at its fifty-second session.

[See chap. XIV.]

1999/113. Fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, mindful of the valuable contribution made by the four Geneva Conventions of 12 August 1949 on the protection of victims of war and the two Additional Protocols thereto of 1977 to the development of contemporary international humanitarian law, decided by acclamation to express its gratitude and deep appreciation to the International Committee of the Red Cross on the occasion of the fiftieth anniversary of the Geneva Conventions. The Sub-Commission requested the Secretary-General to transmit the present decision to the International Committee of the Red Cross.

[See chap. XIV.]

1999/114. Methods of work of the Sub-Commission

The Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to transmit to the Commission on Human Rights for its information the annexed "Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other

decisions and practices relating thereto" resulting from the work of its sessional working group on the methods of work set up at its forty-ninth and fifty-first sessions in order to improve its methods of work, as requested by the Commission, and to request the High Commissioner for Human Rights to disseminate those guidelines in printed form in order to make them readily accessible to all participants in the sessions of the Sub-Commission.

Annex

GUIDELINES FOR THE APPLICATION BY THE SUB-COMMISSION  
ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF  
THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS  
OF THE ECONOMIC AND SOCIAL COUNCIL AND OTHER DECISIONS  
AND PRACTICES RELATING THERETO

CONTENTS

<u>Rule</u>	<u>Page</u>
I. SESSIONS	
1. Number of sessions . . . . .	
2. Date of opening . . . . .	
A minute of silence . . . . .	
3. Place of sessions . . . . .	
4. Notification of opening date of sessions . . . . .	
II. AGENDA	
5. Drawing up of the provisional agenda . . . . .	
6. Communication of provisional agenda . . . . .	
7. Adoption of the agenda . . . . .	
8. Revision of the agenda . . . . .	
9. Draft provisional agenda for subsequent session . . . . .	
III. REPRESENTATION	
10. Terms of office of members . . . . .	
Definition of "member" . . . . .	
11. Representatives . . . . .	
12. Rights of representatives pending confirmation . . . . .	
13. Alternates . . . . .	
Rights of alternates . . . . .	
14. Advisers . . . . .	
Advisers and assistants . . . . .	
IV. OFFICERS	
15. Election of officers . . . . .	
Geographical rotation of officers . . . . .	
16. Term of office . . . . .	
17. Acting Chairman . . . . .	
18. Powers of the Acting Chairman . . . . .	
19. Replacement of the Chairman or other officers . . . . .	
20. Voting rights of the officers . . . . .	
Voting by officers . . . . .	

CONTENTS (continued)

<u>Rule</u>	<u>Page</u>
V. SUBSIDIARY ORGANS	
21. Establishment of working groups . . . . .	
Geographical distribution of chairmen of working groups . . . . .	
22. Establishment of Sub-Commissions . . . . .	
23. Officers . . . . .	
Officers of working groups . . . . .	
24. Rules of procedure . . . . .	
VI. SECRETARIAT	
25. Duties of the Secretary-General . . . . .	
26. Duties of the Secretariat . . . . .	
27. Statements by the Secretariat . . . . .	
28. Estimate of expenditure . . . . .	
VII. LANGUAGES	
29. Official and working languages . . . . .	
Registration of preference of working languages . . . . .	
30. Interpretation . . . . .	
31. Languages of records . . . . .	
32. Languages of resolutions and other formal decisions . . . . .	
VIII. RECORDS AND REPORTS	
33. Sound recordings of meetings . . . . .	
34. Summary records of meetings . . . . .	
35. Records of public meetings . . . . .	
36. Records of private meetings . . . . .	
37. Report to the Commission . . . . .	
38. Communication of formal decisions and reports . . . . .	
IX. PUBLIC OR PRIVATE MEETINGS	
39. General principle . . . . .	
Private meetings . . . . .	
Holding a private meeting . . . . .	
X. CONDUCT OF BUSINESS	
40. Quorum . . . . .	
Schedule of meetings . . . . .	
41. General powers of the Chairman . . . . .	
42. Points of order . . . . .	
Interruption of a point of order . . . . .	
43. Speeches . . . . .	
Absence of speakers . . . . .	
Regulation of statements . . . . .	
Order of statements . . . . .	

CONTENTS (continued)

<u>Rule</u>	<u>Page</u>
List of speakers . . . . .	
Speaking time . . . . .	
Statements on "human rights situations" . . . . .	
1. Speaking time . . . . .	
2. Allocation of time and sequences of speakers . . . . .	
Limitations on statements . . . . .	
44. Closing of list of speakers . . . . .	
List of speakers . . . . .	
Closure of speakers' list on "human rights situations" . . . . .	
45. Right of reply . . . . .	
Timing for the right of reply . . . . .	
46. Congratulations . . . . .	
Further congratulations . . . . .	
47. Condolences . . . . .	
48. Suspension or adjournment of the meeting . . . . .	
49. Adjournment of debate . . . . .	
50. Closure of debate . . . . .	
51. Order of motions . . . . .	
52. Submission of proposals and substantive amendments . . . . .	
53. Withdrawal of proposals and motions . . . . .	
54. Decisions on competence . . . . .	
55. Reconsideration of proposals . . . . .	
XI. VOTING AND ELECTIONS	
56. Voting rights . . . . .	
57. Request for a vote . . . . .	
58. Majority required . . . . .	
59. Method of voting . . . . .	
Secret ballot . . . . .	
60. Explanation of vote . . . . .	
No explanation of vote on secret ballot . . . . .	
61. Conduct during voting . . . . .	
62. Division of proposals and amendments . . . . .	
63. Amendments . . . . .	
64. Order of voting on amendments . . . . .	
65. Order of voting on proposals . . . . .	
66. Elections . . . . .	
67. Elections (2) . . . . .	
68. Equally divided votes . . . . .	
XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION	
69. Participation of States . . . . .	
70. Participation of national liberation movements . . . . .	
71. Participation of specialized agencies . . . . .	
72. Consultation with specialized agencies . . . . .	
73. Consultation with specialized agencies (2) . . . . .	
74. Participation of other intergovernmental organizations . . . . .	

CONTENTS (continued)

<u>Rule</u>	<u>Page</u>
XIII. CONSULTATION WITH AND REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS	
75. Representation . . . . .	
76. Consultation . . . . .	
XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE	
77. Method of amendment . . . . .	
78. Method of suspension . . . . .	
XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS	
Regulation of the number of studies . . . . .	
Document preliminary to the studies . . . . .	
Duration of studies . . . . .	
Appointment of special rapporteurs . . . . .	
Appointment of commentators . . . . .	
List of studies . . . . .	
Follow-up of studies . . . . .	
Time limit for the submission of documents . . . . .	
Immediate circulation of documents in working languages . . . . .	
XVI. RESOLUTIONS AND DECISIONS	
Number of resolutions and decisions . . . . .	
Consultation . . . . .	
Co-sponsors . . . . .	
Consultations by the Chairman . . . . .	
Deadline for submission of draft resolutions or decisions . . . . .	
XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS	
Speaking time . . . . .	
Allocation of time and sequences of speakers . . . . .	
Non-participation of experts concerned . . . . .	
Timing for consideration of "human rights situations" . . . . .	
XVIII. AGENDA ITEM ON 1503 PROCEDURE	
Private meetings . . . . .	
Secret ballot . . . . .	
Inapplicability of 1503 procedure . . . . .	

## I. SESSIONS

### Rule 1 1/ (Number of sessions)

Unless the Economic and Social Council (the Council) decides otherwise, the Sub-Commission shall hold a session annually.

### Rule 2 (Date of opening)

1. The date of opening of each session of the Sub-Commission shall be fixed by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, whenever practicable, with the Chairman of the Sub-Commission.

### A minute of silence

The Sub-Commission observes, at the opening of each session, a minute of silence in memory of victims of all forms of violations of human rights in all regions of the world. [decision 1994/103 amended in 1997]

### Rule 3 (Place of sessions)

The session shall be held at the Headquarters of the United Nations unless another place is designated by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

### Rule 4 (Notification of opening date of sessions)

The Secretary-General shall notify the members of the Sub-Commission of the date and place of the first meeting of each session at least six weeks in advance.

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1/ The term "rule" as used in the sub-headings of this text is a reference to one the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1). Whenever appropriate, technical changes have been made to the wording of a rule without affecting its substance. References to decisions and practices of the Sub-Commission relating to the rules of procedure appear in smaller print. Sources, if any, are indicated between square brackets. The guidelines referred to in the text may be found in the annex to resolution 1992/8 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1992. Supplements to the guidelines are contained in document E/CN.4/Sub.2/1994/3 as approved by the Sub-Commission in its decision 1994/117.

## II. AGENDA

### Rule 5 (Drawing up of the provisional agenda)

1. The Secretary-General, in consultation with the Chairman whenever possible, shall draw up the provisional agenda for each session.
2. The provisional agenda shall include all items required by these rules as well as items proposed by:
  - (a) The Sub-Commission at the previous session;
  - (b) The General Assembly;
  - (c) The Economic and Social Council;
  - (d) The Commission on Human Rights;
  - (e) The Secretary-General.
2. bis The provisional agenda may include, when the Secretary-General and the Chairman fully agree, such items as proposed by:
  - (a) A working group of the Sub-Commission;
  - (b) A member of the Sub-Commission;
  - (c) A specialized agency, subject to rule 72;
  - (d) A non-governmental organization, subject to paragraph 4 of this rule.
3. Items proposed for inclusion in the provisional agenda pursuant to paragraph 2 bis shall be submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the opening of each session.
4. (a) Non-governmental organizations having general consultative status may propose items for the provisional agenda provided that:
  - (i) An organization that intends to propose such an item shall inform the Secretary-General of such intention at least nine weeks before the opening of the session, and before formally proposing item(s) shall give due consideration to any comments the Secretary-General may make;
  - (ii) The proposal shall be formally submitted with basic documents not less than seven weeks before the commencement of the session;
- (b) An item proposed in accordance with the provisions of this paragraph shall be included in the agenda of the Sub-Commission if it is adopted by a two-thirds majority of the members present and voting.



Rule 6 (Communication of provisional agenda)

1. The Secretary-General shall communicate to all members of the Sub-Commission the annotated provisional agenda, not less than six weeks before the opening of the session.
2. In exceptional circumstances, the Secretary-General may, for reasons to be specified in writing, transmit the basic documentation relating to items of the provisional agenda not less than four weeks before the opening of the session.

Rule 7 (Adoption of the agenda)

The Sub-Commission shall at the beginning of each session, after the election of its officers, in accordance with rule 15, adopt the agenda for that session on the basis of the provisional agenda referred to in rule 5.

Rule 8 (Revision of the agenda)

During a session, the Sub-Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 9 (Draft provisional agenda for subsequent session)

At each session of the Sub-Commission, the Secretary-General shall submit a draft provisional agenda for the Sub-Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Sub-Commission to consider the documents from the point of view of their contribution to the work of the Sub-Commission and of their urgency and relevance in the light of the current situation.

III. REPRESENTATION

Rule 10 (Terms of office of members)

Unless the Council decides otherwise, the term of office of members of the Sub-Commission shall begin when they are elected at the election held biennially by the Commission on Human Rights and shall end when they are not elected at the election held four years later by the Commission.

Definition of "member"

In the Sub-Commission, the term "members" is used to mean both "experts and their alternates" and "experts or their alternates", as the case may be.

Rule 11 (Representatives)

[Not applicable to the Sub-Commission.]

Rule 12 (Rights of representatives pending confirmation)

[Not applicable to the Sub-Commission.]

Rule 13 (Alternates)

1. Each member of the United Nations may designate an "alternate" to act in place of an "expert" to be elected together with the "expert" at the election provided for in rule 10. When acting as "expert", the "alternate" so designated shall have the same status as an "expert", including the right to vote.

2. [Not applicable to the Sub-Commission.]

Rights of alternates

1. Alternates may attend all the meetings of the Sub-Commission, both public and private, together with their respective experts.
2. Alternates may be elected as officers only when appropriate experts are not available.
3. Alternates may not replace their respective experts who are acting as the Chairman or Rapporteur, unless the Sub-Commission decides otherwise.
4. Alternates may not take the seats of their respective experts who are on the podium.
5. An alternate may participate in the debate only if the expert is absent. The expert and the alternate shall not take the floor under the same item of the agenda.
6. When a sponsor of a resolution is not present at the time of the vote, but an expert/alternate of the same nationality is present, that sponsorship shall remain valid unless the other expert/alternate of the same nationality expressly renounces it.

Rule 14 (Advisers)

[Not applicable to the Sub-Commission.]

Advisers and assistants

Members may be accompanied by their advisers and/or assistants during the public meetings, if necessary.

IV. OFFICERS

Rule 15 (Election of officers)

At the commencement of the first meeting of a regular session, the Sub-Commission shall elect, from among its members, a Chairman, three Vice-Chairmen, without priority, and a Rapporteur.

Geographical rotation of officers

1. The Chairman will be elected in turns from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Eastern Europe, Western Europe and others, Latin America, Asia, Africa.

2. The Rapporteur will be elected from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Africa, Asia, Western Europe and others, Eastern Europe, Latin America.

Rule 16 (Term of office)

The officers of the Sub-Commission shall, subject to rule 19, hold office until their successors are elected.

Rule 17 (Acting Chairman)

1. If the Chairman finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. If the Chairman ceases to hold office pursuant to rule 19, the remaining officers shall designate one of the Vice-Chairmen to take his place until the election of a new Chairman.

Rule 18 (Powers of the Acting Chairman)

A Vice-Chairman acting as Chairman shall have the powers and duties of the Chairman.

Rule 19 (Replacement of the Chairman or other officers)

If the Chairman or any other officer is unable to carry out his functions or ceases to be a member of the Sub-Commission, he shall cease to hold such office and a new officer shall be elected for the unexpired term.

Rule 20 (Voting rights of the officers)

The Chairman shall have the right to vote.

Voting by officers

1. In the practice of the Sub-Commission, the Chairman will abstain from exercising his voting right when he is chairing the meeting.

2. The Vice-Chairmen not acting as Chairman and the Rapporteur may exercise their voting rights.

## V. SUBSIDIARY ORGANS

### Rule 21 (Establishment of working groups)

1. During a session, the Sub-Commission may set up such working groups composed of members of the Sub-Commission as are deemed necessary and refer to them any questions on the agenda for study and report.
2. With the prior approval of the Council and in agreement with the Secretary-General such working groups may be authorized to sit while the Sub-Commission is not in session.
3. The members of working groups of the Sub-Commission shall be nominated by the Chairman, at the recommendation of the five geographic regions and subject to the approval of the Sub-Commission.

### Geographical distribution of chairmen of working groups

In electing its Chairmen-Rapporteur, each working group shall pay due consideration to the geographical distribution, taking account of the nationalities of the Chairmen-Rapporteurs already elected in other working groups.

### Rule 22 (Establishment of Sub-Commissions)

[Not applicable to the Sub-Commission.]

### Rule 23 (Officers)

Unless the Sub-Commission decides otherwise, its working groups shall elect their own officers.

### Officers of working groups

1. In principle, the working groups are expected to elect a Chairman and a Rapporteur.
2. The working groups, however, may elect, at their own discretion, only one person to serve as Chairman-Rapporteur.

### Rule 24 (Rules of procedure)

The rules of procedure of the Sub-Commission shall apply to the proceedings of its working groups insofar as they are applicable.

## VI. SECRETARIAT

### Rule 25 (Duties of the Secretary-General)

1. The Secretary-General shall act in that capacity in all meetings of the Sub-Commission. He may designate a member of the Secretariat to act as his representative.

2. He shall provide and direct the staff required by the Sub-Commission and be responsible for all the arrangements that may be necessary for its meetings.

3. He shall keep the members of the Sub-Commission informed of any questions that may be brought before it for consideration.

Rule 26 (Duties of the Secretariat)

The Secretariat shall:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate and circulate documents;
- (c) Print, publish and circulate as appropriate the records of the sessions, the resolutions of the Sub-Commission and the required documentation;
- (d) Have custody of the documents in the archives; and
- (e) Generally perform all other work that may be required.

Rule 27 (Statements by the Secretariat)

The Secretary-General or his representative may, subject to rule 43, make oral as well as written statements to the Sub-Commission concerning any question under consideration.

Rule 28 (Estimate of expenditure)

1. Before a proposal involving the expenditure of United Nations funds is approved by the Sub-Commission, the Secretary-General shall prepare and provide to the Sub-Commission an estimate of the programme budget implications of implementing the proposal. The Chairman shall draw attention to that estimate and invite discussion on it when the proposal is considered by the Sub-Commission.

2. Any programme budget proposal recommended by the Sub-Commission to the Council for its approval, through the Commission on Human Rights, must be stated in terms of the objectives to be achieved.

VII. LANGUAGES

Rule 29 (Official and working languages)

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Sub-Commission.

Registration of preference of working languages

The members of the Sub-Commission shall register with the secretariat in which working language they may wish to receive studies, working papers and any other documents.

Rule 30 (Interpretation)

1. Speeches made in an official language shall be interpreted into the other official languages.
  2. A speaker may speak in a language other than an official language if he provides for interpretation into one of the official languages.
- Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 31 (Languages of records)

Records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by a member.

Rule 32 (Languages of resolutions and other formal decisions)

All resolutions, recommendations and other formal decisions of the Sub-Commission shall be made available in the official languages.

VIII. RECORDS AND REPORTS

Rule 33 (Sound recordings of meetings)

Sound recordings of meetings of the Sub-Commission shall be made and kept by the Secretariat. Such recordings may also be made and kept of the meetings of working groups if so decided by the Sub-Commission.

Rule 34 (Summary records of meetings)

No summary records of meetings of the Sub-Commission or its working groups shall be provided, unless these have been specifically authorized by the Council.

Rule 35 (Records of public meetings)

1. Summary records of the public meetings of the Sub-Commission and its working groups, where authorized and required, shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Sub-Commission or of the working groups, and to any other participants in the meeting, who may, within one week of their receipt, submit corrections to the Secretariat; in special circumstances, the presiding officer may, in

consultation with the Secretary-General, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Corrections will be consolidated in a single corrigendum to be issued after the end of the session.

2. The summary records and the consolidated corrigendum thereto shall be distributed promptly to the Members of the United Nations and to the specialized agencies. On publication, these records may be consulted by the public.

Rule 36 (Records of private meetings)

The records of private meetings of the Sub-Commission shall be distributed promptly to the members of the Sub-Commission. They shall be made available to other Members of the United Nations upon decision of the Sub-Commission. They may be made public at such time and under such conditions as the Sub-Commission may decide.

Rule 37 (Report to the Commission)

The Sub-Commission shall submit to the Commission on Human Rights a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Commission. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Commission.

Rule 38 (Communication of formal decisions and reports)

As soon as possible, the text of the formal decisions and reports adopted by the Sub-Commission shall be distributed to all members of the Sub-Commission and to any other participants in the session. The printed text of such decisions and reports shall be distributed as soon as possible after the close of the session to the Members of the United Nations, to the specialized agencies, to the intergovernmental organizations referred to in rule 74 and to the concerned non-governmental organizations having general or special consultative status or on the Roster.

## IX. PUBLIC OR PRIVATE MEETINGS

### Rule 39 (General principle)

Unless the Sub-Commission decides otherwise its meetings shall be held in public.

#### Private meetings

The Sub-Commission considers the "1503 procedure" in private meetings in accordance with paragraph 5 of Council resolution 1503 (XLVIII).

#### Holding a private meeting

The Sub-Commission may at any time decide to hold a private meeting when such a private meeting may facilitate an exchange of views among its members.

## X. CONDUCT OF BUSINESS

### Rule 40 (Quorum)

A majority of the members of the Sub-Commission shall constitute a quorum.

#### Schedule of meetings

In accordance with an established practice, meetings not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

[Guideline No. 13]

### Rule 41 (General powers of the Chairman)

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Sub-Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have complete control of the proceedings of the Sub-Commission and over the maintenance of order at its meetings. He shall rule on points of order. He may propose to the Sub-Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Sub-Commission.



Rule 42 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Chairman in accordance with these rules. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting.
2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Interruption of a point of order

A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under discussion.

Rule 43 (Speeches)

1. No one may address the Sub-Commission without having previously obtained the permission of the Chairman. Subject to rules 42, 45 and 48 to 50, the Chairman shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Sub-Commission and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.
3. The Sub-Commission may limit the time allowed to speakers and the number of times each member may speak on any question; permission to speak on a motion to set such limits shall be accorded only to two members favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Sub-Commission decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Absence of speakers

Once the list of speakers on any particular item has been established, those observers who are not present in the meeting when their names are called by the Chairman may lose the right to speak on the agenda item under consideration, unless otherwise decided by the Sub-Commission.

#### Regulation of statements

Under the agenda item "human rights situations", non-governmental organization (NGO) observers might be requested to speak, in accordance with the Chairman's instruction, not in the order in which they inscribed their names in the speakers' list, but together with other NGOs wishing to speak on the human rights situation in the same country.

#### Order of statements

1. Members of the Sub-Commission, at any time;
2. Observers for intergovernmental and non-governmental organizations;
3. Government observers.

[Guideline No. 14]

#### List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.
2. If, during a meeting, there are no more speakers on the agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

#### Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each agenda item in accordance with the following rules, unless the Bureau decides otherwise:

- (a) Members of the Sub-Commission:
  - (i) Twenty minutes maximum, which may be divided into one or several statements;
  - (ii) Thirty-five minutes maximum, for the presentation of a study or a working paper, to be divided by the author between explanatory remarks and the conclusion;
- (b) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in the case of a joint statement);
- (c) Government observers:
  - (i) Ten minutes maximum (and 14 minutes in total if the item contains several sub-items);

- (ii) Five minutes maximum in connection with a right of reply or three minutes maximum in connection with a second right of rejoinder, as the case may be;
- (iii) Five minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated. A government observer of such implicated country may make a statement immediately after voting instead of before voting. [Chairman's ruling during the forty-eighth session in 1996].

[Guideline No. 16]

Statements on "human rights situations"

1. Speaking time

- (a) Maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of debate on that agenda item. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;
- (b) This supplementary guideline under (a) also applies to government observers who wish to provide information on human rights developments in their countries, provided they have signed up before the closure of the list mentioned. Under the agenda item "human rights situations", governmental observers shall not address the human rights situations in countries other than their own;
- (c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

2. Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under points 1 (a) and

(b) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

[Supplement to guideline No. 16]

Limitations on statements

1. An NGO observer may not speak twice under the same agenda item, even if he represents more than one NGO.
2. Once an observer has raised a particular issue on a human rights situation under one agenda item, he may not raise the same issue under another agenda item.

Rule 44 (Closing of list of speakers)

During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Sub-Commission, declare the list closed. When there are no more speakers, the Chairman shall, with the consent of the Sub-Commission, declare the debate closed. Such closure shall have the same effect as closure by decision of the Sub-Commission.

List of speakers

1. The closure of the list for each agenda item shall be announced as the work proceeds.
2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Closure of speakers' list on "human rights situations"

The closure of the list of speakers should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations".

[Supplement to guideline No. 16]

Rule 45 (Right of reply)

The right of reply shall be accorded by the Chairman to any government observer who requests it. Government observers should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Timing for the right of reply

1. The right of reply shall normally be exercised after the exhaustion of the list of speakers but can, in exceptional circumstances with the permission of the Chairman, be made earlier.
2. The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list of speakers speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

[Supplement to guideline No. 16]

Rule 46 (Congratulations)

Congratulations to the newly elected officers shall be expressed only by the outgoing Chairman or one of the Vice-Chairmen designated by the outgoing Chairman.

Further congratulations

Further congratulations should be avoided and/or abbreviated, insofar as possible.

Rule 47 (Condolences)

Condolences shall be expressed solely by the Chairman on behalf of all members. The Chairman, with the agreement of the Sub-Commission, may dispatch a message on behalf of all members of the Sub-Commission.

Rule 48 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 49 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 50 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 51 (Order of motions)

Subject to rule 42, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

Rule 52 (Submission of proposals and substantive amendments)

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General. Unless the Sub-Commission decides otherwise, proposals and substantive amendments shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members.

Rule 53 (Withdrawal of proposals and motions)

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54 (Decisions on competence)

A motion calling for a decision on the competence of the Sub-Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 55 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Sub-Commission so decides. Permission to speak on a motion to reconsider shall be accorded only to two members opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Rule 56 (Voting rights)

Each member of the Sub-Commission shall have one vote.

Rule 57 (Request for a vote)

A proposal or motion before the Sub-Commission for decision shall be voted upon if any member so requests. When no member requests a vote, the Sub-Commission may adopt proposals or motions without a vote.

Rule 58 (Majority required)

1. Except as provided in rule 5 (4) (ii), decisions of the Sub-Commission shall be made by a majority of the members present and voting.
2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 59 (Method of voting)

1. Except as provided in rule 66, the Sub-Commission shall normally vote by show of hands, except that a member may request a roll-call which shall be taken in the English alphabetical order of the names of the members of the Sub-Commission, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in all roll-calls, and he shall reply "yes", "no" or "abstention".
2. The vote of each member participating in any roll-call shall be inserted in the record.

Secret ballot

1. The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [decisions 1989/101, 1990/111]
2. The Sub-Commission decided, pursuant to Council resolution 1991/32, 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. [decision 1998/102]

Rule 60 (Explanation of vote)

Members may make brief statements consisting solely of the explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

No explanation of vote on secret ballot

It has been an established practice as well as a logical consequence that members may not speak in explanation of vote, either before or after voting, when the vote is made by secret ballot.

Rule 61 (Conduct during voting)

After the Chairman has announced the commencement of voting, no member may interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 62 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 63 (Amendments)

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

Rule 64 (Order of voting on amendments)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

Rule 65 (Order of voting on proposals)

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Sub-Commission decides otherwise, be voted on in the order in which they were submitted. The Sub-Commission may, after each vote on a proposal, decide whether to vote on the next proposal.
2. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 66 (Elections)

All elections shall be held by secret ballot, unless, in the absence of any objection, the Sub-Commission decides to proceed without taking a ballot on an agreed candidate or slate.



Rule 67 (Elections) (2)

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.
2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 68 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

Rule 69 (Participation of States)

1. The Sub-Commission shall invite any Member of the United Nations and any other State to send its representatives to the public meetings of the Sub-Commission as government observers.
2. A working group of the Sub-Commission shall invite any State to send its representatives to the public meetings of the working group as government observers.
3. A State thus invited shall not have the right to vote.

Rule 70 (Participation of national liberation movements)

The Sub-Commission may invite any national liberation movement recognized by or in accordance with resolutions of the General Assembly to send its representative to public meetings of the Sub-Commission as observers without the right to vote.

Rule 71 (Participation of specialized agencies)

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

- (a) To be represented at public meetings of the Sub-Commission and its working groups;
- (b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them.

Rule 72 (Consultation with specialized agencies)

Before the Secretary-General places an item proposed by a specialized agency on the provisional agenda of the Sub-Commission, he shall carry out with the agency concerned such preliminary consultation as may be necessary.

Rule 73 (Consultation with specialized agencies (2))

1. Where an item proposed for inclusion in the provisional agenda for a session or added to the agenda under rule 5 contains a proposal for new activities to be undertaken by the United Nations relating to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall enter into consultation with the agencies concerned and report to the Sub-Commission on the means of achieving a coordinated use of the resources of the respective agencies.
2. When in the course of a meeting of the Sub-Commission a proposal for new activities to be undertaken by the United Nations related to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall, after such consultation as may be possible with the representatives of the agencies concerned, draw the attention of the Sub-Commission to the implications of the proposal.
3. Before deciding on proposals referred to above, the Sub-Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned.

Rule 74 (Participation of other intergovernmental organizations)

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on a continuing basis by the Council or invited by the Sub-Commission may participate, without the right to vote, in the deliberations at the public meetings of the Sub-Commission on questions within the scope of the activities of the organizations.

XIII. CONSULTATION WITH AND REPRESENTATION  
OF NON-GOVERNMENTAL ORGANIZATIONS

Rule 75 (Representation)

Non-governmental organizations having general or special consultative status may designate authorized representatives to sit as observers at public meetings of the Sub-Commission and its working groups. Those on the Roster may have representatives present at such meetings when matters within their field of competence are being discussed.

Rule 76 (Consultation)

1. The Sub-Commission may consult with organizations having general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the invitation of the Sub-Commission or at the request of the organization.
2. On the recommendation of the Secretary-General and at the request of the Sub-Commission, organizations on the Roster may also be heard by the Sub-Commission.

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 77 (Method of amendment)

Only the Council may amend these rules.

Rule 78 (Method of suspension)

A rule of procedure may be temporarily suspended by the Sub-Commission provided that such suspension shall not be inconsistent with any applicable decisions of the Council and provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no member objects. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Regulation of the number of studies

1. When the number of ongoing studies entrusted to special rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.
2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.
3. When the number of studies proposed for a decision exceeds 13, the members of the Sub-Commission should hold consultations in order to establish priorities.

[Guideline No. 1]

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object and the general

outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudice the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

[Guideline No. 2]

#### Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the special rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

[Guideline No. 3]

#### Appointment of special rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing special rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the Rapporteur of the Sub-Commission shall be entrusted with the task of collecting proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purpose of agreeing and deciding on them.

[Guideline No. 4]

2. No alternate should undertake a study if an expert is willing to do so.

#### Appointment of commentators

1. The author of the study may appoint a maximum of two members of the Sub-Commission as commentators in order to undertake an in-depth analysis of the

study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

[Guideline No. 5]

#### List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

- (a) Title of the study;
- (b) Name of the author;
- (c) Legislative authority;
- (d) Timetable for the study;
- (e) Effective date of presentation of the preliminary, interim (progress) or final report. No change.

[Guideline No. 6]

#### Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

- (a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);
- (b) Name of the author;
- (c) Reference to the decisions concerning the budgetary implications and an indication of the total amount; for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;
- (d) Summary of the most recent recommendation made by the author of the study; follow-up given to these recommendations, in respect of the rules,

measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

[Guideline No. 7]

Time limit for the submission of documents

1. Special rapporteurs and other members who were entrusted with the task of preparing studies, working papers and any other documents for submission to the Sub-Commission shall submit them to the secretariat at the latest 10 weeks prior to the session.
2. Studies, working papers and any other documents not submitted by the above time limit may not be considered at the next session unless the Sub-Commission decides otherwise.

Immediate circulation of documents in working languages

1. As soon as studies, working papers and any other documents become ready for circulation in all working languages, the secretariat shall send them immediately to the members of the Sub-Commission in accordance with their preference of languages registered with the secretariat. No document will be discussed by the Sub-Commission until it is translated at least into the three working languages, unless the Sub-Commission decides otherwise.
2. The secretariat shall send to the members of the Sub-Commission the following documents at the latest four weeks prior to the session:
  - (a) The annotated agenda and other documents related to the session;
  - (b) Studies, working papers and any other documents submitted to the secretariat at the latest 10 weeks prior to the session.

XVI. RESOLUTIONS AND DECISIONS

Number of resolutions and decisions

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline for the purpose of reducing their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

- (a) Resolutions and decisions concerning the Sub-Commission alone;
- (b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Council for adoption;
- (c) Resolutions of whatever category concerning the human rights situations in a given country;

- (d) Resolutions and decisions concerning the submission of studies;
- (e) Resolutions and decisions whose adoption was deferred or which were withdrawn;
- (f) Solemn and consensus statements by the Chairman;
- (g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Council.

[Guideline No. 8]

#### Consultation

If the total number of intended resolutions and/or decisions risks being too high, the Chairman will consult with those members who intend to submit more than one resolution and/or decision so that a balance may be maintained among the members.

#### Co-sponsors

If, when a draft resolution or decision is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author or, if appropriate, the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

[Guideline No. 10]

#### Consultations by the Chairman

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairman meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

[Guideline No. 11]

#### Deadline for submission of draft resolutions or decisions

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Council, draft resolutions and decisions should be submitted at least three working days before the date of which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

[Guideline No. 12]

## XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

### Speaking time

- (a) As a guideline supplemental to guideline No. 16, maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations". Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;
- (b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid, under the agenda item "human rights situations", the human rights situations in countries other than their own;
- (c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

[Supplement to guideline No. 16]

### Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

### Non-participation of experts concerned

When examining a situation which appears to reveal a pattern of gross and consistent violations of human rights in a country of which an expert of the



Sub-Commission is a national, it would be desirable that the expert concerned not participate in the debates. The ultimate decision on whether or not such expert will intervene in the public discussion remains the responsibility of the expert concerned. [Note by the Chairman: E/CN.4/Sub.2/1998/38, para. 28]

Timing for consideration of "human rights situations"

The Sub-Commission decided that it would continue the practice of considering the agenda item on "human rights situations" two days after the opening of the session.

XVIII. AGENDA ITEM ON 1503 PROCEDURE

Private meetings

The Council decided that consideration of the procedure provided for in its resolution 1503 (XLVIII) shall be made in private meetings.

Secret ballot

The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members.

[decisions 1989/101, 1990/111]

Inapplicability of 1503 procedure

The Sub-Commission decided to concur with the view expressed by the Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War. [decision 1991/104]

[See chap. III.]

1999/115. Rationalization of the work of the  
Commission on Human Rights

At its 33rd meeting, held on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights, having analysed, and concerned at, the content of observation 27 in document E/CN.4/1999/104, in which the Bureau of the fifty-fourth session of the Commission on Human Rights expressed the view that "the need for [considering fundamental reform measures with respect to the Sub-Commission] ... is all the more compelling given that the Sub-Commission is by far the most expensive of the Commission's subsidiary mechanisms, the cost of its annual session being higher than that of the Commission itself", and having discussed the ample financial information on this issue provided, at its request, by the representative of the High Commissioner for Human Rights, the Sub-Commission decided, without a vote, to request the Secretary-General to submit to the Commission's inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights and to the Commission itself at its fifty-sixth session, for their consideration, all pertinent official data (in particular under chapters 22 and 27 of the regular budget) on all the respective estimated costs of the activities carried out by or programmed for the Sub-Commission, the Commission itself, and all other mechanisms of the Commission mentioned in chapters II, III and V of document E/CN.4/1999/104 during the current biennium.

[See chap. III.]

1999/116. Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission

At its 33rd meeting, on 26 August 1999, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of the inter-sessional and 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-Onyango (alternate)		Mr. Khalil (alternate)	Mr. Sik Yuen (alternate)
Asia	Mr. Fan Guoxiang	Mr. Yokota	Mr. Sorabjee	Mr. Park
	Mr. Zhong Shukong (alternate)			Mr. Goonesekere (alternate)
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martinez	Mr. Bengoa	Mr. Pinheiro
	Mr. Alfonso Martinez (alternate)	Mr. Bengoa (alternate)	Mr. Gomez-Robledo Verduzco (alternate)	Mr. Fix-Zamudio (alternate)
Eastern Europe	Mr. Ramishvili	Ms. Motoc	Mr. Kartashkin	Mr. Shamshur
	Mr. Kartashkin (alternate)	Mr. Shamshur (alternate)	Ms. Motoc (alternate)	
Western Europe	Mr. Weissbrodt	Ms. Daes	Mr. Eide	Ms. Koufa
	Mr. Bossuyt (alternate)	Ms. Hampson (alternate)	Ms. Hampson (alternate)	Mr. Weissbrodt (alternate)

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

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