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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session
Agenda item 12

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Oloka-Onyango,
Mr. Park, Mr. Pinheiro, Mr. Rodriguez-Cuadros, Mr. Sik Yuen and Mr. Yokota:
draft resolution

2000/... State cooperation with United Nations human rights mechanisms

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

Observing that one of the many roles of the United Nations is to promote, protect and ensure adherence to human rights and fundamental freedoms as established through its organs, bodies and instruments,

Affirming the obligation of States to assist the United Nations, including the various human rights machinery, in carrying out its functions,

Observing that the role of the various human rights mechanisms is to offer assistance to States in solving their human rights problems,

Noting the need for States to cooperate more fully with the various United Nations human rights organs and bodies, including the treaty monitoring bodies, by submitting reports in

a timely fashion, and in this regard noting the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106),

Noting also the need for States to facilitate and assist the special rapporteurs/representatives, experts and working groups of the special procedures of the Commission on Human Rights and of the advisory services programme,

Observing that the report of the Commission's inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112) states that a majority of Governments extend cooperation to the mechanisms in all activities necessary to the fulfilment of their mandates and that while refusal of cooperation occurs only in a minority of cases, these refusals must be a cause of serious concern,

Recalling its decision 1998/115 of 26 August 1998 on observance of human rights by States not parties to United Nations human rights conventions, the working paper submitted by Mr. Kartashkin in accordance therewith (E/CN.4/Sub.2/1999/29) and its resolution 1999/28 of 26 August 1999, and taking note of Mr. Kartashkin's additional working paper (E/CN.4/Sub.2/2000/2),

Mindful of the need to provide incentives to States for ratification of human rights treaties and cooperation with United Nation human rights mechanisms,

Recalling Commission on Human Rights resolution 1999/68 of 28 April 1999, and General Assembly resolution 54/181 of 17 December 1999, and taking note of Commission resolution 2000/70 of 27 April 2000,

1. Encourages States to engage in an open dialogue with the good offices of the High Commissioner for Human Rights, treaty monitoring bodies and the various thematic mechanisms;
2. Urges all States that have not yet done so to ratify international human rights treaties, notably the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights;
3. Also urges all States to assist the various international human rights mechanisms by submitting periodic reports on time;
4. Expresses the hope that the States concerned will allow thematic mechanisms to visit when required,

5. Decides to continue its consideration of State cooperation with United Nations human rights mechanisms under the same agenda item at its fifty-third session;

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

“The Commission on Human Rights, taking note of resolution ... of ... August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, and recalling the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106) and the observation by its inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission contained in paragraph 25 of its report (E/CN.4/2000/112) decides to consider, under its agenda item that addresses country situations, any State that meets the following criteria:

(a) The State has not ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights or is more than two years late in submitting its initial or periodic report to the respective monitoring body; and

(b) A request has been made to the Government for a visit by one or more of the following: the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Representative of the Secretary-General on internally displaced persons, and within two years of the request, the visit has not taken place.”
