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COMMISSION ON HUMAN RIGHTS  
Fifty-eighth session  
Agenda item 16

**REPORT OF THE SUB-COMMISSION ON THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS**

**Australia\*, Austria, Belgium, Bulgaria\*, Canada, Cyprus\*, Denmark\*,  
Estonia\*, Finland\*, France, Georgia\*, Germany, Greece\*, Guatemala,  
Hungary\*, Ireland\*, Italy, Japan, Latvia\*, Liechtenstein\*, Lithuania\*,  
Luxembourg\*, Monaco\*, Netherlands\*, New Zealand\*, Norway\*,  
Poland, Portugal, Romania\*, Russian Federation, San Marino\*,  
Slovakia\*, Slovenia\*, Spain, Sweden, United Kingdom of Great Britain  
and Northern Ireland: draft resolution**

**2002/... The work of the Sub-Commission on the Promotion  
and Protection of Human Rights**

*The Commission on Human Rights,*

*Recalling* its previous relevant resolutions, in particular 1998/28 of 17 April 1998, 1999/81 of 28 April 1999, 2000/83 of 26 April 2000 and 2001/60 of April 2001, as well as the terms of reference of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

*Recalling also* the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), and reaffirming Commission decision 2000/109 of 26 April 2000,

*Taking note of:*

(a) The report of the Sub-Commission on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40);

(b) The report of the Chairperson of the Sub-Commission on its fifty-third session (E/CN.4/2002/99),

*Bearing in mind* the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2) and the 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, annexed to Sub-Commission decision 1999/114 of 26 August 1999,

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-five years;

2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;

3. *Reaffirms* that the Sub-Commission can best assist the Commission by providing it with:

(a) Independent expert studies carried out by its members or alternates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission;

4. *Welcomes* the actions taken by the Sub-Commission at its fifty-third session to respond to recommendations by the Commission for the initiation of working papers and new studies;

5. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;

6. *Further welcomes* the improved working methods of the Sub-Commission at its fifty-third session at which it:

- (a) Reformed, improved and streamlined its agenda to seven items;
- (b) Held a closed joint meeting with the Expanded Bureau of the fifty-seventh session of the Commission on Human Rights;
- (c) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;
- (d) Pursued other innovative and useful procedural approaches, in particular the use of the “question-and-answer” format and some expert panel discussions;

7. *Decides* not to endorse the proposal contained in draft decision 8 of the Sub-Commission that the Commission take action on proposals of the Sub-Commission at its one-day annual informal meeting in September and requests the Office of the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-ninth session on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission’s action on proposals of the Sub-Commission;

8. *Reiterates and reaffirms:*

- (a) Its decision that the Sub-Commission should not adopt country-specific resolutions or decisions and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;
- (b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

9. *Recommends* to the Sub-Commission that it continue at its future sessions the successful innovations of the fifty-third session, in particular by:

- (a) Having annual closed meetings with the Expanded Bureau of the fifty-eighth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;
- (b) Maintaining a streamlined agenda;
- (c) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(d) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

10. *Recommends* that the Sub-Commission further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission and at the same time focusing on how and when the implementation of existing standards can be improved;

(c) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts which would affect confidence in the independence of its members;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Taking further steps to accomplish its work within a three-week session;

(g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;

(h) Focusing strictly on questions relating to human rights in accordance with its mandate;

(i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

11. *Requests* States when nominating and electing members and alternates to the Sub-Commission:

(a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(b) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(c) To select members with acknowledged expertise in human rights; and

(d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

12. *Invites* the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information from Governments and intergovernmental and non-governmental organizations, and reiterates that such requests, like all requests for concrete measures, must first have been approved by the Commission;

13. *Recommends* that the Chairperson of the Sub-Commission or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and the meeting of chairpersons of treaty bodies, so as to facilitate coordination between the Sub-Commission and other relevant bodies and procedures of the United Nations, in accordance with their respective mandates;

14. *Invites* the Chairperson of the fifty-eighth session of the Commission to address the Sub-Commission at the opening meeting of its fifty-fourth session and to inform it about the present resolution and the debate that took place on this subject at the fifty-eighth session of the Commission under agenda item 16;

15. *Invites* the Chairperson of the fifty-fourth session of the Sub-Commission to report to the Commission at its fifty-ninth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice;

16. *Decides* to consider the issue of the work of the Sub-Commission at its fifty-ninth session under the relevant agenda item.

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