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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-fourth session
Agenda item 3

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

**Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chen, Mr. Decaux, Mr. Dos Santos Alves,
Mr. Eide, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor,
Mr. Ogurtsov, Mr. Park, Mr. Preware, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee,
Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota: draft resolution**

2002/... Discrimination in the criminal justice system

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

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Bearing in mind the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 26; the International Convention on the Elimination of All Forms of Racial Discrimination, in particular the right to equal treatment before the tribunals and

all other organs administering justice; the Convention on the Rights of the Child, in particular article 37; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Elimination of All Forms of Discrimination against Women, in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Bearing in mind also the numerous international standards in the field of the administration of justice, which provide that States shall assure to everyone within their jurisdiction effective protection and remedies with a view to obtaining just and adequate reparation for any act of discrimination which violates his human rights and fundamental freedoms,

Recalling the provisions of the 1993 Vienna Declaration and Programme of Action on Crime and Justice,

Noting General Assembly resolution 56/161 of 19 December 2001, in which the Assembly calls upon mechanisms of the Commission on Human Rights and its subsidiary bodies to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice,

Concerned at the extent of discrimination in national criminal justice systems which affects particularly vulnerable groups or those having an inferior status in society,

Noting in particular the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its recommendations concerning the administration of criminal justice,

Taking into consideration Commission on Human Rights decision 2002/109 of 25 April 2002, in which the Commission decided to invite the Sub-Commission to give careful consideration to the Durban Declaration and Programme of Action and to play a complementary role in the realization of the objectives of the World Conference,

1. *Welcomes with satisfaction* the two working papers presented by Ms. Leïla Zerrougui (E/CN.4/Sub.2/2001/WG.1/CRP.1 and E/CN.4/Sub.2/2002/5) on discrimination in the criminal justice system;

2. *Decides* to appoint Ms. Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons;

3. *Requests* the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;

4. *Requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject;

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

“The Commission on Human Rights, taking note of resolution 2002/... of .. August 2002, of the Sub-Commission on the Promotion and Protection of Human Rights, approves the decision of the Sub-Commission to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons, and requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject. The Commission also approves the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.”
