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COMMISSION ON HUMAN RIGHTS
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Item 11 of the agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION;
ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Informal Working Group of 10 members established
under Commission on Human Rights resolution 1982/40

Chairman-Rapporteur: Mr. Declan O'Donovan

1. By its resolution 1982/40, the Commission on Human Rights decided to consider at its thirty-ninth session the possibility of rationalizing its agenda and to this end to establish during the session an informal group of 10 members to consider what might be done to that effect with regard to the agenda for the fortieth session. The Chairman of the Commission announced at the Commission's 5th meeting the composition of the Working Group as follows: Argentina, Australia, Cuba, India, Ireland, Japan, Senegal, Union of Soviet Socialist Republics, United Republic of Tanzania, and Yugoslavia.
2. The Working Group held five meetings on 7, 15, 18, 25 February and on 3 March 1983. At its first meeting, Mr. Declan O'Donovan (Ireland) was elected Chairman-Rapporteur. At that same meeting the Assistant Secretary-General, Centre for Human Rights made an introductory statement.
3. The Working Group had before it the following documentation:
 - (a) The report of the Commission on Human Rights on its thirty-eighth session (E/1982/12).
 - (b) The report of the informal open-ended Working Group established at the thirty-eighth session of the Commission on Human Rights, under Commission resolution 23 (XXXVII), contained in section B of document E/1982/12/Add.1.
 - (c) The report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session (E/CN.4/1983/4).
 - (d) General Assembly resolutions 32/130; 37/171; 37/172; 37/199; and 37/200.
 - (e) Economic and Social Council decision 1982/156.

4. The following working papers were submitted to the Group:

E/CN.4/1983/WG.4/WP.1 - containing a compilation of agendas prepared by the Secretariat; ^{1/}

E/CN.4/1983/WG.4/WP.2 - containing a proposal submitted by Australia; (see annex I)

E/CN.4/1983/WG.4/WP.3 - containing a note submitted by the Chairman/Rapporteur. (see annex II)

5. The Working Group discussed the general approach to be adopted in relation to the rationalization of the agenda of the Commission. It was suggested that the Working Group try to reach agreement by consensus. Mention was made of the useful principles put forward by the delegation of Brazil at the thirty-eighth session of the Commission. ^{1/}

6. During the discussion the view was expressed that attention should be paid to the relationship between the items dealt with by the Commission on Human Rights and those discussed by other United Nations bodies dealing with human rights. Specific reference was made in this connection to the relationship between the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The view was expressed, however, that the Working Group should keep in mind that each organ of the United Nations dealing with human rights had its specific function and that consideration of rationalization should not prevent the various bodies from making their contribution. It was felt that the Working Group's mandate was only to make proposals for the agenda of the next (fortieth) session of the Commission. In this connection the Chairman informed the Working Group that he had brought to the attention of the Bureau of the Commission the fact that resolutions and decisions adopted during the session, and affecting the agenda for the fortieth session, could limit the discharge of the mandate of the Working Group.

7. During the debates it was generally felt that in order to rationalize the agenda of the Commission in the interest of facilitating the adequate consideration of the agenda there was a need to delete certain items or to group related issues as sub-items under a single heading.

8. While suggestions were made to make the titles of some items as concise as possible, it was stressed that, in doing so, care should be taken not to lose the meaning of the substance of those items.

9. Suggestions were also made that some items could be left to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for consideration or only considered by the Commission upon the proposal of the Sub-Commission when studies or reports related to them were completed.

10. While it was agreed that the present agenda of the Commission contains some items which should be considered each year, it was also noted that the present agenda included items which could be discussed, for example biennially or triennially. In this connection, it was proposed that if some items were to be considered periodically, information should be given on the annotations to the provisional agenda as to when they would be discussed by the Commission.

^{1/} See E/1982/12/Add.1, part B, Annex I.

11. At the 3rd meeting, the Working Group requested the Chairman-Rapporteur to submit to the Group at its 4th meeting a document containing the proposals put forward during the discussions (E/CN.4/WG.1/WP.3). This document as well as the working paper submitted by Australia may be found respectively in annex I and annex II to the present document.

12. The Working Group decided by consensus to make the following proposals to the Commission on Human Rights for the rationalization of its agenda:

Item 24 - Communications concerning human rights - should be deleted given that any matter arising under that item may be discussed under item 12.

Item 15 - human rights and scientific and technological developments - should be considered on a biennial basis, beginning at its forty-first session, in the light of work carried out in the Sub-Commission.

Item 17 - the role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service - should be considered on a biennial basis, beginning at its forty-second session, in the light of work carried out in the Sub-Commission.

The Working Group recommended to the Commission that it considers at its fortieth session the need to re-establish the Working Group.

13. At its 5th meeting, on 3 March 1983, the present report was adopted by the Working Group.

ANNEX I

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Proposals submitted by Australia

The following suggestions for rationalization of the Agenda to be followed by the Commission at its fortieth session have been prepared in the light of the principles for such rationalization suggested by the Delegation of Brazil during the thirty-eighth session (E/CN.4/1982/WG.3/WP.1), and of the discussion taking place within the Group of 10. They supplement and in some cases revise the proposals put forward by the Australian Delegation at the thirty-eighth session, contained in WG.3/WP.3. The suggestions follow the order of items on the Agenda as adopted at the Commission's thirty-ninth session, as published in E/CN.4/1983/L.7.

- Item 5 - This item could be deleted, and the materials relating to it considered, with other cases of mass violation of human rights involving particular countries, under item 12. Alternatively, the item could be listed as a subitem of item 12.
- Item 7 - As proposed in discussion, this item could be considered, as a subitem of the existing item 6, in those years when the Commission receives an updated report on the question.
- Item 8 - In order to reflect more accurately the focus and scope of debate and action under this item, the title could be revised as follows:
- "Question of the right to development
- (a) Popular participation in its various forms as an important factor in development and in the realization of human rights."
- Item 14 - The question addressed under this item is the subject of continuing substantive work on a draft Convention in a Working Group of the General Assembly. Consideration in the Commission would not appear to be likely to contribute in any significant way to this work. It is therefore suggested that this item could be deleted.
- Items 15, 17 and 22 - These items address questions of a legal/technical nature which would appear to benefit particularly from consideration in the expert forum of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It is therefore proposed that they be considered by the Commission on a triennial basis, each item being taken up in successive years in the light of work carried out in the Sub-Commission.
- Items 16 and 18 - It is proposed that these items be given a general title and combined as follows:

Items 16 and 18 (continued)

"Measures to combat apartheid, racism and racial discrimination

- (a) Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid"

The existing subitems (a) and (b) be deleted, bearing in mind however that account will need to be taken at the fortieth session of the Commission of the results of the Second World Conference of the Decade for Action to Combat Racism and Racial Discrimination and that it might be appropriate to add another subitem at that time.

- Item 19 - In order better to reflect the nature of discussions under this item, the title might be revised to read:

"Status and implementation of the International Covenants on Human Rights".

- Item 24 - This item could be deleted since the matter addressed is regularly considered under item 12.

ANNEX II

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note by the Chairman of the Working Group

1. In operative paragraph 3 of its resolution 1982/40, the Commission on Human Rights decided to consider at its thirty-ninth session the possibility of rationalizing its agenda and to this end to establish during the session an informal group of 10 members to consider what might be done to that effect with regard to the agenda for the fortieth session. In response to a request made at the 3rd meeting of the Working Group, the Chairman prepared the present note summarizing all the proposals and suggestions made in the course of the sessions of the Working Group.

2. It was noted that the practice of the Commission has been to consider items annually.

Items 1-4 No proposal.

Item 5 (a) Proposal to delete the item.

(b) Proposal to make it a subitem of item 12.

(c) Proposal to associate it with item 12.

Items 6, 7, 16, 18 (a) Proposal to group these items in a single item under the heading:

"Violation of human rights in southern Africa" with the following subitems:

(a) Report of the Ad Hoc Working Group of Experts.

(b) The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa.

(c) Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(d) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination.

(e) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

See also item 16.

Item 7

- (a) Proposal to consider item 7 in those years when the Commission receives an updated report on the subject.
- (b) Proposal to consider the item on a biennial basis in the Commission.

Item 8

- (a) Proposal to consider subitems (a) and (c) as separate items of the agenda.
- (b) Proposal to associate subitem (b) with item 12.
- (c) Proposal to amend the title of item 8 as follows:

"Question of the right to development

- (a) Popular participation in its various forms as an important factor in development and in the realization of human rights"

Items 9-10

No proposal.

Item 11

Proposal (a) to have the Sub-Commission consider the question of further promotion and encouragement of human rights and fundamental freedoms; (b) to have the Commission consider the question of its programmes and methods of work as a separate item; (c) to have the Commission consider the question of alternative [new] approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, as a separate item.

Item 12

See proposal for item 8 (b).

Item 13

No proposal.

Item 14

- (a) Proposal to delete the item.
- (b) Proposal to consider the item on a biennial basis.

Item 15

Proposal that item 15 be considered by the Commission on a triennial basis in the light of work carried out in the Sub-Commission.

Item 16

See proposals for items 6 and 19.

- (a) Proposal to consider items 16 and 18 under the following title:

"Measures to combat apartheid, racism and racial discrimination

- (a) Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

Item 16 (continued) The existing subitems (a) and (b) of item 18 would be deleted bearing in mind that account should be taken at the fortieth session of the Commission of the results of the Second World Conference of the Decade for Action to Combat Racism and Racial Discrimination and that it might be appropriate to add another subitem at that time.

- Item 17
- (a) Proposal for the item to be considered only by the Sub-Commission.
 - (b) Proposal for the item to be considered by the Commission on a triennial basis in the light of work carried out in the Sub-Commission.
 - (c) Proposal for the item to be considered by the Sub-Commission.
 - (d) Proposal to consider the item in the Commission on a triennial basis.

Item 18 See proposal for items 6 and 16.

- Item 19
- (a) Proposal to discontinue the item on the understanding that the Secretary-General would report on the status of the International Covenants on Human Rights to the Sub-Commission.
 - (b) Proposal to consider the item in the Commission on a biennial basis.
 - (c) Proposal to amend the title of the item to read:
"Status and implementation of the International Covenants on Human Rights".
 - (d) Proposal to amend the title to read:
"Status and implementation of existing human rights international instruments: International Covenants on Human Rights".
 - (e) Proposal to amend the title to read:
"International instruments on human rights".

Items 20-21 No proposal.

- Item 22
- (a) Proposal to have the item considered by the Sub-Commission.
 - (b) Proposal for the item to be considered by the Commission on a triennial basis in the light of work carried out in the Sub-Commission.

Item 23

(a) Proposal to expand the item to include a report by the Secretary-General to the Commission on the work of the Centre for Human Rights.

(b) Proposal for the item to be considered by the Sub-Commission

Item 24

Proposal to delete the item.

Item 25

(a) Proposal to delete the item.

(b) Proposal to consider the item on a biennial basis.

Items 26-27

No proposal.

General proposals

(a) The Sub-Commission should avoid duplication of items considered in the Commission.

(b) The Sub-Commission should submit reports when it considers that the Commission should take action on the subject-matter or when it deems the Commission's advice desirable.

(c) Some indication be given annually on the annotations to the provisional agenda of the Commission, as to when biennial/triennial items would next appear on the Commission's agenda.