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COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 16

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

**Andorra*, Armenia, Australia, Austria, Belgium*, Canada*, Chile, Cyprus*,
Czech Republic*, Denmark*, Estonia*, Finland*, France, Germany, Greece*,
Guatemala, Hungary, Iceland*, Ireland, Italy, Japan, Latvia*, Liechtenstein*,
Lithuania*, Luxembourg*, Malta*, Monaco*, Netherlands, New Zealand*,
Norway*, Poland*, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*,
Spain*, Sweden, Switzerland*, The former Yugoslav Republic of Macedonia*,
Ukraine, United Kingdom Great Britain and Northern Ireland:
draft resolution**

**2004/... 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 2003/59 of 24 April 2003 and the resolutions identified therein, 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,

* 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 Intersessional 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,

Recalling further the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, and Sub-Commission decision 1999/114 of 26 August 1999 by which the Sub-Commission adopted guidelines for the application of the rules,

Bearing in mind the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2),

Taking note of:

(a) The report of the Sub-Commission on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43),

(b) The report of the Chairperson of the fifty-fifth session of the Sub-Commission (E/CN.4/2004/83),

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission on the Promotion and Protection of Human Rights, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-seven 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. *Decides* that the Sub-Commission can best assist the Commission by providing it with:

(a) Independent expert studies and working papers solely carried out by its members or alternates during their mandate, notwithstanding the completion of currently existing mandates;

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

(c) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies;

4. *Notes with interest* the proposals made by the Acting High Commissioner at the opening of the fifty-fifth session concerning the future role of the Sub-Commission;

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

6. *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;

7. *Further welcomes* the improved working methods of the Sub-Commission at its last three sessions 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-ninth session of the Commission;

(c) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;

8. *Takes note* of the report submitted by the Office of the United Nations High Commissioner for Human Rights pursuant to the request of the Commission in its resolution 2002/66 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 (E/CN.4/2003/95) and of discussions in which the Bureau of the Commission studied further those proposals, and decides to continue consideration of possible ways and means of improving, as soon as possible, the Commission's prompt action on proposals of the Sub-Commission;

9. *Reiterates and reaffirms:*

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements 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;

(c) That the Sub-Commission cannot embark on any new activity, with the exception of the preparation of studies and research, without the Commission's request or prior approval;

(d) That the role of the Sub-Commission is that of a "think tank", as confirmed by the Commission in decision 2000/109, and therefore it should only undertake studies and research and not attribute to itself monitoring functions;

10. *Recommends* that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth and fifty-fifth sessions, in particular by:

(a) Having annual closed meetings with the Expanded Bureau of the sixtieth 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;
 - (e) Using the “question and answer” format and some expert panel discussions;
11. *Also 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 or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, 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, in particular in situations where they could have a conflict of interest;
 - (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, while making efforts to avoid the scheduling of working groups and plenary sessions concurrently with each other;

(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;

(j) Taking fully into account legal opinions addressed to the Sub-Commission by the Legal Counsel of the United Nations;

12. *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 to ensure universality, a balanced representation, as well as the benefits of continuity, the importance of renewal and the value of rotation in the nomination of candidates;

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

(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;

(e) To keep in mind that members of the Sub-Commission should be impartial and independent and, in this context, to nominate qualified persons without a potential conflict of interest such as significant relevant policy responsibilities;

13. *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;

14. *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;

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

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

17. *Decides* to consider the issue of the work of the Sub-Commission at its sixty-first session under the relevant agenda item.

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