



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

Подкомиссия по поощрению и защите
прав человека

Пятьдесят шестая сессия

Пункт 1 повестки дня

ОРГАНИЗАЦИЯ РАБОТЫ

Предложения по тематике исследовательской и аналитической работы

Рабочий документ, подготовленный г-ном Гудмундуром Альфредссоном

В соответствии с резолюцией 2004/60 Подкомиссии по правам человека, в которой подтверждается, что Подкомиссия является "мозговым центром", а также важность ее аналитической и исследовательской работы, к настоящему документу прилагается перечень*, содержащий несколько предложений относительно тем, по которым Подкомиссия могла бы внести конструктивный вклад в программу Организации Объединенных Наций в области прав человека и вне ее рамок. Автор рассматривает эти предложения как первую попытку изложения идей, которые по ходу дальнейшей работы в этом направлении могли бы быть развиты всеми заинтересованными участниками.

* Воспроизводится в полученном виде, только на языке оригинала.

ПРИЛОЖЕНИЕ

- Positive experiences in the national implementation of international human rights standards, relating to all the items and sub-items on the agenda of the Sub-Commission, including item 2 and eventually new items. How does one identify and verify the success stories, with the input of experts, governments and NGOs? The experiences can and should come from all parts of the world and could relate to new constitutional provisions or legislation, implementation through constitutional courts with human rights mandates or otherwise, independent national institutions, human rights education, etc. In this manner, lessons could be learned for making progress in the realization of human rights standards in other country setting.
- Positive experiences can also be borrowed from international organizations. Examples are the prevention of violent conflict functions of the OSCE High Commissioner on National Minorities and the dialogue activities of the Council of Europe Secretariat for the Framework Convention for the Protection of National Minorities, in terms of bringing governments and groups together for discussing ways of reducing tensions and enhancing harmony and stability. Activities of this kind, which take place with the consent of governments and on the basis of standards which the same governments have accepted, could also be undertaken by the Working Group on Minorities and the Working Group on Indigenous Populations. A different but useful example is the Inspection Panel of the World Bank in terms of allowing rights or justice complaints, even if only reluctantly, against the organizations themselves. Should the United Nations set up a similar panel of experts?
- Further strengthening of ongoing efforts to mainstream human rights throughout the UN system. Are these efforts consistently based on human rights instruments, and the standards contained therein, adopted by the General Assembly, international conferences, or the specialized agencies? How does one best mainstream minority and indigenous rights? Beyond the obvious areas concerning the equal status and participation of women, sustainable development, prevention of violent conflicts, and restoration of peace, to which other activities of the UN system is mainstreaming suitable and desirable? How can the UN human rights program further contribute to the mainstreaming efforts at the institutional level, for example by the training of staff in other departments and agencies?
- The mainstreaming of, or linkages between, ideas and contents common to human rights and other related fields. The purpose would be mutual strengthening and support. These other fields can encompass, in whole or in part, international labour standards, intellectual property rights, refugee law, humanitarian law, international criminal law, democracy, ethics, and good governance, including participation, accountability, transparency and non-corruption.

- Technical co-operation for the purpose of promoting human rights. Beyond the OHCHR, which parts of the UN system are engaged in this work? In line with the mainstreaming of institutions and ideas, should there be additional actors? Which ones? How can the place of economic, social and cultural rights in technical co-operation be strengthened? Who evaluates the output and results of the technical co-operation actors? Are technical co-operation activities threatened by being mixed-up with monitoring work?
- Streamlining or consolidation of human rights monitoring organs and procedures, even of the instruments. The proliferation of instruments and procedures is not user-friendly. Would not fewer institutions with more time at their disposal and more human resources be more cost-effective? How can consolidation be accomplished without weakening the existing efforts of monitoring and co-operation? How far has the elevation of economic, social and cultural rights come compared with civil and political rights? To what degree are economic, social and cultural rights justiciable? What else needs to be done and how?
- The right of self-determination. Today, as evidenced by debates in the Sub-Commission and some of its subsidiary bodies, this right means many different things to different people. Overuse of the term may carry a conflict-creation potential. On many occasions, its use probably hinders progress to the goals stated, as governments are understandably worried because of the far-reaching implications. As to autonomy for minorities and indigenous peoples, could these be more easily achieved through other terms? It is feasible instead to employ terms like self-government, self-governance, or self-management? The label should not take on greater weight than the desirable results which are local control of the groups of their own affairs.
- Prevention of genocide. Can the Sub-Commission make recommendations, as to early warning and other possible methods for the prevention of genocide, based on human rights and the ideas of Secretary-General Kofi Annan in his 2004 Stockholm statement?
- Human rights education. The teaching of human rights as a matter of law is increasingly well established in many universities, but what are its ideal contents? It is equally important to teach human rights to other professionals and academics. What should the contents of interdisciplinary education be like? What should be the role of law in the human rights education of non-lawyers? Teachers' colleges are obvious starting points, but which other disciplines are most relevant?
- Human rights responsibilities of the United Nations when it exercises power beyond its own walls, by assuming jurisdiction or control over countries or territories and/of through the use of sanctions and force. It is difficult to accept that the United Nations recommends certain human rights behaviour to States, without committing to the same standards and monitoring procedures itself. Justice begins at home. How can this goal be accomplished? Can or should one built upon the ongoing work of the International Law Commission on the responsibility of

international organizations? Should the human rights treaties be opened up for ratification by the United Nations, thus giving the treaty bodies a monitoring role? Should the General Assembly by declaration undertake these responsibilities? Should the UN Commission on Human Rights appoint a Special Rapporteur or a working group with the mandate of monitoring UN performance in the specific situations mentioned above, including the possibility of receiving individual complaints?
