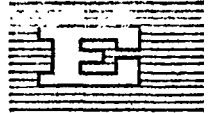


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/Sub.2/NGO/54  
28 August 1975

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
28th Session  
Agenda item 19

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION  
INCLUDING THE DRAWING UP OF A FIVE-YEAR PROGRAMME OF  
WORK (COMMISSION ON HUMAN RIGHTS RESOLUTION 10 (XXXI))

Written statement submitted by the International  
Student Movement for the United Nations

PREPARATION OF A PLAN OF WORK FOR THE SESSION

This refers to the guidelines the Sub-Commission adopted last year  
(E/CN.4/Sub.2/354, pp. 11-12).

One agenda problem that may need attention relates to the powers of the  
Sub-Commission under ECOSOC resolution 1235 and ECOSOC resolution 1503. The summary  
records of debates at the 1973 and 1974 sessions of the Sub-Commission suggest that  
those powers sometimes are discussed without sufficient reference to the governing  
words of the applicable instruments.

ECOSOC resolution 1235 (XLII) and Commission resolution 8 (XXIII)

Commission resolution 8 concerns the question of the violation of human rights.  
In its resolution 1235, ECOSOC welcomed the Commission's decision in resolution 8 to  
give annual consideration to that question. Also, ECOSOC concurred with the requests  
for assistance that the Commission in resolution 8 had addressed to the Sub-Commission.  
Those requests are as follows:

The Commission on Human Rights ...

Requests the Sub-Commission on the Prevention of Discrimination and  
Protection of Minorities to prepare, for the use of the Commission in its  
examination of this question, a report containing information on violations  
of human rights and fundamental freedoms from all available sources; ...

Invites the Sub-Commission to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

In addition, to preclude doubt regarding the sources of information that may be used, ECOSOC (in paragraph 2 of resolution 1235) "Authorizes ... the Sub-Commission ... in conformity with [paragraph 1 of resolution 8] ... to examine information relevant to gross violations of human rights ... contained in the communications listed [pursuant to ECOSOC resolution 728F] ...."

IT SHOULD BE NOTED THAT NEITHER RESOLUTION 8 NOR RESOLUTION 1235 CONTAINS ANY REQUIREMENT OF CONFIDENTIALITY.

#### ECOSOC resolution 1503 (XLVIII)

This resolution requires "private meetings" and specifies that all actions envisaged in its implementation shall remain confidential until such time as the Commission may decide to make recommendations to ECOSOC.

Resolution 1503 does not diminish the powers of the Sub-Commission under resolution 1235. On the contrary, it creates machineries whereby all communications that appear to reveal a consistent pattern of gross and reliably attested violations of human rights may be specially processed. Its paragraphs 1, 2, and 5 specify in detail the Sub-Commission's potential contribution to that process.

None of the words in resolution 1503 expresses or implies any conclusion by ECOSOC that in any way would subtract from or limit the Sub-Commission's broader powers under resolution 1235.

#### Violations and Communications

Our conclusion therefore is that resolution 1235 proceedings, regarding "questions of the violation of human rights" should not be confused with resolution 1503 proceedings, which deal with "communications concerning human rights". The Chile Case, considered by the Commission in 1974 and 1975 and by the Sub-Commission in 1974, dramatizes the distinction.