

2000/3. Procedure for dealing with communications concerning human rights

The Economic and Social Council,

Recalling its resolution 728 F (XXVIII) of 30 July 1959 concerning the handling of communications concerning human rights and its decision 79 (LVIII) of 6 May 1975 relating thereto,

Recalling also its resolution 1235 (XLII) of 6 June 1967 authorizing the Commission on Human Rights to examine information relevant to gross violations of human rights and fundamental freedoms, its resolution 1503 (XLVIII) of 27 May 1970 establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms and its resolution 1990/41 of 25 May 1990 concerning the establishment, composition and designation of the members of the Working Group on Situations of the Commission,

Recalling further resolution 1 (XXIV) of the Subcommission on Prevention of Discrimination and Protection of Minorities (now the Subcommission on the Promotion and Protection of Human Rights) of 13 August 1971 concerning criteria for the admissibility of communications,⁸ as well as Subcommission resolution 2 (XXIV) of 16 August 1971 concerning the establishment, composition and designation of the members of the Working Group on Communications,⁸

Recalling Commission on Human Rights decisions 3 (XXX) of 6 March 1974,⁹ 5 (XXXIV) of 3 March 1978¹⁰ and 9 (XXXVI) of 7 March 1980,¹¹ all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978¹⁰ inviting the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item,

Taking note of Commission on Human Rights decision 2000/109 of 26 April 2000,¹² in which the Commission, inter alia, approved the recommendations of its inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights concerning the review of the procedure governed by Council resolution 1503 (XLVIII) and related resolutions and decisions,

1. *Endorses* Commission on Human Rights decision 2000/109¹² insofar as it concerns the review of the procedure governed by Council resolution 1503 (XLVIII) and related resolutions and decisions;

2. *Decides*, accordingly, that the Working Group on Communications designated in conformity with paragraph 37 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights¹³ shall henceforth meet annually for two weeks, immediately following the annual session of the Subcommission on the Promotion and Protection of Human

Rights, to examine the communications received under Council resolution 728 F (XXVIII) that have been transmitted to the Governments concerned not later than twelve weeks prior to the meeting of the Working Group on Communications, and any government replies relating thereto, in conformity with the criteria for the admissibility of communications contained in resolution 1 (XXIV) of the Subcommission,⁸ with a view to bringing to the attention of the Working Group on Situations any particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

3. *Requests* the Secretary-General, with the approval of the Chairman-Rapporteur of the Working Group on Communications, to screen out manifestly ill-founded communications in the preparation of the monthly confidential summaries of communications (confidential lists of communications) communicated to the members of the Working Group, it being understood that communications screened out would not be transmitted to the Governments concerned for reply;

4. *Calls upon* the Secretary-General to inform the countries concerned, immediately after the conclusion of the meeting of the Working Group on Communications, of the actions taken in regard to them;

5. *Entrusts* to the Working Group on Situations designated in conformity with paragraph 40 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights,¹³ which shall meet annually for one week not less than one month prior to the annual session of the Commission, the role of examining the confidential report and recommendations of the Working Group on Communications and determining whether or not to refer a particular situation thus brought before it to the Commission, as well as of examining the particular situations kept under review by the Commission under the procedure, and, accordingly, of submitting to the Commission a confidential report identifying the main issues of concern, normally together with a draft resolution or draft decision recommending the action to be taken by the Commission in respect of the situations referred to it;

6. *Requests* the Secretary-General to make the confidential files available, at least one week in advance of the first closed meeting, to all members of the Commission on Human Rights;

7. *Authorizes* the Commission on Human Rights, as it deems appropriate, to consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review, in two separate closed meetings, employing the following modalities:

(a) At the first closed meeting, each country concerned would be invited to make opening presentations; a discussion would then follow between members of the Commission and

⁸ See E/CN.4/1070 and Corr.1, chap. XII.

⁹ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5 (E/5464)*, chap. XIX, sect. B.

¹⁰ *Ibid.*, 1978, *Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. B.

¹¹ *Ibid.*, 1980, *Supplement No. 3* and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. B.

¹² *Ibid.*, 2000, *Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. B.

¹³ E/CN.4/2000/112.

the Government concerned, based on the contents of confidential files and the report of the Working Group on Situations;

(b) In the interim between the first and second closed meetings, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the Working Group on Situations; any such draft texts would be circulated confidentially by the secretariat, in accordance with the rules of procedure of the functional commissions of the Council, in advance of the second closed meeting;

(c) At the second closed meeting, members of the Commission would discuss and take action on the draft resolutions or decisions; a representative or representatives of the Governments concerned would have the right to be present during the adoption of the final resolution or decision taken in regard to the human rights situation in that country; as has been the established practice, the Chairperson of the Commission would subsequently announce in a public meeting which countries had been examined under the 1503 procedure, as well as the names of countries no longer being dealt with under the procedure; the 1503 dossiers would remain confidential, except where the Government concerned has indicated the wish that they become public;

(d) In accordance with the established practice, the action taken in respect of a particular situation should be one of the following options:

- (i) To discontinue consideration of the matter when further consideration or action is not warranted;
- (ii) To keep the situation under review in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;
- (iii) To keep the situation under review and to appoint an independent expert;
- (iv) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII) in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII);

8. *Decides* that the provisions of Council resolution 1503 (XLVIII) and related resolutions and decisions not affected by the present reorganization of work shall remain in force, including:

(a) Provisions relating to the duties and responsibilities of the Secretary-General, it being understood that, in respect of the handling of communications and government replies relating thereto, the duties and responsibilities are as follows:

- (i) The compilation, as before, of monthly confidential summaries of incoming communications concerning alleged violations of human rights; the identity of authors may be deleted upon request;
- (ii) The transmittal of a copy of each summarized communication, in the language received, to the Government concerned for reply, without divulging the identity of the author if he or she so requests;
- (iii) Acknowledging the receipt of communications to their authors;
- (iv) The reproduction and circulation to the members of the Commission on Human Rights, as before, of the replies received from Governments;

(b) Provisions aimed at facilitating government cooperation and participation in the procedure, including the provisions of Commission decision 3 (XXX),⁹ now to be applied following the meetings of the Working Group on Communications;

9. *Also decides* that all actions envisaged in the implementation of the present resolution by the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Council;

10. *Further decides* that the procedure as amended may continue to be referred to as the 1503 procedure.

*10th plenary meeting
16 June 2000*