

one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

2. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all the States Parties for acceptance.

3. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have accepted it in accordance with their respective constitutional processes.

4. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendment which they have accepted.

#### Article 45

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States referred to in article 38.

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## Implementation and monitoring

### 45. PROCEDURE FOR DEALING WITH COMMUNICATIONS RELATING TO VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

ECOSOC resolution 1503 (XLVIII) of 27 May 1970

*The Economic and Social Council,*

*Noting* resolutions 7 (XXVI) and 17 (XXV) of the Commission on Human Rights and resolution 2 (XXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Authorizes* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet once a year in private meetings for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of Governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms within the terms of reference of the Sub-Commission;

2. *Decides* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, as the first stage in the implementation of the present resolution, devise at its twenty-third session appropriate procedures for dealing with the question of admissibility of communications received by the Secretary-General under Council resolution 728 F (XXVIII) and in accordance with Council resolution 1235 (XLII) of 6 June 1967;

3. *Requests* the Secretary-General to prepare a document on the question of admissibility of communications for the Sub-Commission's consideration at its twenty-third session;

4. *Further requests* the Secretary-General:

(a) To furnish to the members of the Sub-Commission every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief description of them, together with the text of any replies received from Governments;

(b) To make available to the members of the working group at their meetings the originals of such communications listed as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications;

(c) To circulate to the members of the Sub-Commission, in the working languages, the originals of such communications as are referred to the Sub-Commission by the working group;

5. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider in private meetings, in accordance with paragraph 1 above, the communications brought before it in accordance with the decision of a majority of the members of the working group and any replies of Governments relating thereto and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission;

6. *Requests* the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:

(a) Whether it requires a thorough study by the Commission and a report and recommendations thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII);

(b) Whether it may be a subject of an investigation by an *ad hoc* committee to be appointed by the Commission which shall be undertaken only with the express consent of the State concerned and shall be conducted in constant co-operation with that State and under conditions determined by agreement with it. In any event, the investigation may be undertaken only if:

(i) All available means at the national level have been resorted to and exhausted;

(ii) The situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or in regional conventions, or which the State concerned wishes to submit to other procedures in accordance with general or special international agreements to which it is a party.

7. *Decides* that if the Commission on Human Rights appoints an *ad hoc* committee to carry on an investigation with the consent of the State concerned:

(a) The composition of the committee shall be determined by the Commission. The members of the committee shall be independent persons whose competence and impartiality is beyond question. Their appointment shall be subject to the consent of the Government concerned;

(b) The committee shall establish its own rules of procedure. It shall be subject to the quorum rule. It shall have authority to receive communications and hear witnesses, as necessary. The investigation shall be conducted in co-operation with the Government concerned;

(c) The committee's procedure shall be confidential, its proceedings shall be conducted in private meetings and its communications shall not be publicized in any way;

(d) The committee shall strive for friendly solutions before, during and even after the investigation;

(e) The committee shall report to the Commission on Human Rights with such observations and suggestions as it may deem appropriate;

8. *Decides* that all actions envisaged in the implementation of the present resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council;

9. *Decides* to authorize the Secretary-General to provide all facilities which may be required to carry out the present resolution, making use of the existing staff of the Division of Human Rights of the United Nations Secretariat;

10. *Decides* that the procedure set out in the present resolution for dealing with communications relating to violations of human rights and fundamental freedoms should be reviewed if any new organ entitled to deal with such communications should be established within the United Nations or by international agreement.

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## 46. PROCEDURE FOR DEALING WITH COMMUNICATIONS CONCERNING HUMAN RIGHTS

ECOSOC resolution 2000/3 of 16 June 2000

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

*Recalling* Commission on Human Rights decisions 3 (XXX) of 6 March 1974, 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980, all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978 inviting the Chairman-Rapporteur of the Working 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, 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 2000/109 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 Rights shall henceforth meet annually for two weeks, immediately following the annual session of the Subcommittee 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 Subcommittee, with a view to bringing to the attention of the Working