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STATEMENT BY
H.E. AMBASSADOR SHUNJI MARUYAMA
ALTERNATE REPRESENTATIVE OF THE JAPANESE DELEGATION
ON
ITEM OF THE AGENDA N° 17

50th SESSION OF THE COMMISSION ON HUMAN RIGHTS

15

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Geneva

Permanent Mission of Japan
to the United Nations Office
and other International Organizations at Geneva

Mr. Chairman,

I would like to make some observations on the role and function of the Sub-Commission and its relation with the Commission on Human Rights and on the concrete draft resolutions and decisions submitted by the Sub-Commission this year under agenda item 17.

The Sub-Commission was established in 1947 as a group of experts in the field of human rights to undertake studies in the light of the Declaration of Human Rights and to make recommendations to the Commission on Human Rights to support its activities. We appreciate very much the significant contributions which the Sub-Commission has made since its establishment to the work of the Commission on Human Rights. There have been numerous important achievements which were based on the studies of the Sub-Commission and which could not have been realized without its initiative. We think that such contributions were possible largely because of its unique character of being a body of independent and highly qualified experts. Members and alternates are expected to act in their personal capacity and not as the representatives of particular States and they can consider matters from points of view different from those of the Commission. However there have been cases where the proposals of the Sub-Commission were not useful because they were not practical, over-scrupulous nor efficiently organized. In this regard, it is the responsibility of the Commission on Human Rights to constantly evaluate the work of the Sub-Commission and indicate the direction which the Sub-Commission should head for. We welcome the cooperation between the two commissions for reforming the Sub-Commission in the past few years which should be a continuing process.

In this regard, my delegation wishes to stress some points that the Commission on Human Rights should take especially into consideration in evaluating the work of the Sub-Commission: the desirability and the quality of each study, avoidance of

duplication of work with the Commission and the effective management of working groups. We must evaluate if each study can really contribute to the work of the Commission. It is also to be emphasized that the work of the Sub-Commission should not be just a scholarly study which could be pursued in universities, but should be something which can lead to concrete activities for the effective promotion of human rights.

From this point of view, we would like to comment on the draft resolution and decision submitted by the Sub-Commission.

Among the draft resolutions and decisions, we find imbalance in the treatment of Special Rapporteurs, in particular assistance given to them. My delegation is of the opinion that Special Rapporteurs should be given, on an equal basis, all the necessary assistance to complete their mandate once they are appointed. Because such assistance is to be pursued within the limited resources of the United Nations budget, it is important that resources are allocated on a fair and impartial basis with effectiveness of their activities in mind. In this regard, the Commission has the responsibility to consider carefully the necessity of financial assistance for their activities, especially for those requiring additional financial assistance. In particular, my delegation has doubts about seminars, expert meetings or assistance from consultants proposed occasionally by Special Rapporteurs as they are themselves appointed as experts in the related field.

Concerning draft decision III, my delegation welcomes the study pursued by the Sub-Commission regarding the right to fair trial; the purpose of the study is to submit a draft third protocol to the International Covenant on Civil and Political Rights. The Japanese delegation is fully convinced that securing the right to fair trial is essential for protecting human rights. As my delegation considers the work very important, we believe that the Commission itself should consider the desirability of such a protocol to the

International Covenant on Civil and Political Rights, and, if necessary, should set up an open-ended Working Group of the Commission to deliberate thoroughly on the draft text submitted by the Sub-Commission.

In concluding my remarks, Mr. Chairman, let me express my delegation's wish that the Commission on Human Rights will play an even more important role in international society in coordination with the Sub-Commission and that the valuable work of the Sub-Commission will have ever more influence on human history. Japan is willing to contribute to such an endeavour.

Thank you.