

## CONTENTS

### *Paragraphs*

II. Human rights.....	220
A. General Survey.....	221-249
1. General remarks.....	221-227
2. Standard setting activities.....	228-232
3. Standard implementation activities.....	233-249
B. Analytical summary of practice.....	250-605
* * 1. The question of the meaning of the phrase “respect for, and observance of”	
2. The question of the meaning of the term “human rights and fundamental freedoms”.....	250-428
a) Human rights instruments adopted during the period under review.....	250-262
b) The elaboration of human rights and fundamental freedoms.....	263-428
(i) Civil and political rights.....	263-330
(a) Rights relating to the freedom and integrity of the person.....	263-283
(b) Rights relating to recognition before the law and protection of the law.....	284-293
(c) Rights relating to the administration of justice.....	294-296
* * (d) Rights relating to privacy and to honour and reputation	
(e) Freedom of movement and residence.....	297
(f) Right of asylum and related rights.....	298-308
* * (g) The right to a nationality	
(h) Rights relating to marriage and family.....	309-313
(i) The right to own property.....	314-315
(j) Freedom of thought, conscience and religion.....	316-320
* * (k) Freedom of expression	
(l) Freedom of peaceful assembly and association.....	321-323
(m) The right to take part in the government, the right to access to public service and rights relating to the will of the people.....	324-330
(ii) Economic, social and cultural rights.....	331-342
* * (a) Rights relating to work	
(b) Rights relating to the standard of living and social security.....	331-337
* * (c) Rights relating to motherhood and childhood	
(d) Right to health.....	338-341
(e) Right to education.....	342
* * (f) Rights relating to cultural life, the arts and scientific advancement	

(iii) Rights of specific groups and individuals.....	343-410
(a) Women's rights.....	343-354
(b) Rights of the child.....	355-366
(c) Rights of minorities.....	367-375
(d) Rights of indigenous populations.....	376-378
(e) Migrants' rights.....	379-391
(f) Rights of aliens.....	392-395
(g) Rights of disabled persons.....	396-402
(h) Rights of older persons.....	403-407
(i) Youth and human rights.....	408-409
(j) Human rights defenders.....	410
(iv) Rights relating to armed conflicts.....	411-414
(v) The right of peoples and nations to self-determination.....	415-419
(vi) Rights relating to development.....	420-424
(vii) The right to peace.....	425-428
* * (viii) Rights relating to environment	
3. The question of the meaning of the term "shall promote", the implementation procedures for the promotion and protection of human rights and fundamental freedoms.....	429-598
a) Treaty-based mechanisms.....	429-481
(i) General remarks.....	430-443
(a) Status of ratification of, or accession to, United Nations instruments on human rights.....	430-437
(b) Obligations of States parties under United Nations instruments on human rights.....	438-443
(ii) Reporting procedures.....	444-481
(a) Reporting procedures in general under United Nations instruments on human rights.....	444-448
(b) Reporting procedures under each committee.....	449-481
b) Special mechanisms and procedures.....	482-529
(i) Country mandates.....	483-522
(ii) Thematic mandates.....	523-528
(iii) Communications procedures.....	529
c) Office of the United Nations High Commissioner for Human Rights.....	530-535
d) Advisory services and technical co-operation.....	536-550
e) National and regional institutions or mechanisms for the promotion and protection of human rights.....	551-558

f) Assistance to victims of human rights violations.....	559-562
g) Public awareness-raising and human rights teaching.....	563-579
h) International days, years and decades.....	580-598
4. The question of the meaning of the expression “for all without distinction as to race, sex, language, or religion”.....	599-601
5. The question of the meaning of the term ”universal”; the territorial scope of the provisions relating to human rights.....	602-605

## II. HUMAN RIGHTS

220. The presentation and organization of the material in this study follows the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements*. As in the previous *Supplements*, the study is divided into a “General Survey” and an “Analytical Summary of Practice”. The “General Survey” provides a broad view of the activities of the United Nations in the field of human rights concerning standard setting activities and standard implementation activities. Consonant with the approach taken in Supplement Nos. 5, 6 and 7, the “Analytical Summary” provides an understanding of the functional work of the General Assembly, the Economic and Social Council on the agenda items relevant to the goals of Article 55 (c) and is divided in five parts, namely (1) the question of the meaning of the phrase “respect for, and observance of”, (2) the question of the meaning of the term “human rights and fundamental freedoms”, (3) the question of the meaning of the term “shall promote”, the implementation procedures for the promotion and protection of human rights and fundamental freedoms, (4) the question of the meaning of the expression “for all without distinction as to race, sex, language, or religion, and (5) the question of the meaning of the term “universal”, the territorial scope of the provisions relating to human rights.

### A. GENERAL SURVEY

#### 1. GENERAL REMARKS

221. During the period covered by this *Supplement*, the General Assembly and the Economic and Social Council pursued their efforts to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. No direct reference relating to the interpretation of Article 55 was made. Nevertheless, in multiple of instances, the provisions of Article 55 © were recalled and reaffirmed.<sup>1</sup>

222. Concerning what had been accomplished through the United Nations human rights programme since the adoption of the Universal Declaration of Human Rights and what remained to be done, the General Assembly considered that it was appropriate to conduct a review and decided to convene at a high level a World Conference on Human Rights in 1993 with the objectives of, *inter alia* : (a) reviewing and assessing the progress made in the field of human rights since the adoption of the Universal declaration of Human Rights and identifying obstacles to further progress in this area, and ways in which they could be overcome; (b) examining ways and means to improve the implementation of existing human rights standards and instruments; (c) evaluating the effectiveness of the methods and mechanisms used by the United nations in the field of human rights; (d) formulating concrete recommendations for

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<sup>1</sup> See, for example, G A resolution 48/125 of 20 December 1993 and E S C resolution 1990/47 of 25 May 1990.

improving the effectiveness of United Nations activities and mechanisms in this field through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms; (e) making recommendations for ensuring the necessary financial and other resources for United Nations activities in the promotion and protection of human rights and fundamental freedoms.<sup>2</sup>

223. In resolution 48/121 of 20 December 1993, the General Assembly endorsed the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that the Secretary-General, the General Assembly, the Commission on Human Rights<sup>3</sup> and other organs and bodies of the United Nations system related to human rights should take further action with a view to the full implementation of all recommendations of the Conference contained in the Vienna Declaration and Programme of Action adopted by the Conference on 25 June 1993.

224. The Vienna Declaration and Programme of Action<sup>4</sup> was an important turning-point in the efforts of the United Nations to promote and protect human rights and fundamental freedoms. This framework of action sets objectives and means to achieve the United Nations Charter's purposes pertaining to human rights. It reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the purposes and principles of the Charter of the United Nations, specially the purposes set out in Article 55, other instruments relating to human rights, and international law. The Declaration and Programme of Action affirms that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. It also reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues. It further reaffirms the need for States and international organizations to protect in particular certain rights such as the right to development, the human rights of women and the girl-child, the rights of persons belonging to minorities, the rights of indigenous people, the rights of the child, the rights of disabled persons, as well as the rights of other vulnerable groups including refugees, internally displaced persons, migrant workers, poorest people and the elderly.<sup>5</sup> The Declaration and Programme of Action encourages the ratification of, or accession to, international human rights instruments by all States which are requested to avoid, as far as possible, the resort to reservations. It also encourages the increase of United Nations resources provided for human rights activities, the increase of coordination in support of human rights within the United Nations system, the strengthening of programmes of advisory services and technical cooperation under the Centre for Human Rights, and the establishment and strengthening of national institutions as well as regional and subregional arrangements for the promotion and

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<sup>2</sup> G A resolution 45/155 of 18 December 1990.

<sup>3</sup> In its resolution 1990/48 of 25 May 1990, the Economic and Social Council appreciated the contribution made by the Commission on Human Rights to the cause of human rights, recognized the need to reinforce it, and decided to increase its membership to fifty-three and to allocate the ten additional seats to the regional groups of Africa, Asia and Latin America and the Caribbean on the basis of the principle of equitable geographical distribution. The Council also decided that the enlarged membership of the Commission should be elected in 1991.

<sup>4</sup> See A/CONF. 157/23.

<sup>5</sup> See also this study, Part B, the sections regarding the elaboration of human rights and fundamental freedoms.

protection of human rights. The Declaration and Programme of Action recommends to the General Assembly to consider the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.<sup>6</sup>

225. Thus, the consensus reached at the World Conference on Human Rights on seeking global solutions to human rights problems led the General Assembly to create, by consensus, the post of the High Commissioner for Human Rights,<sup>7</sup> and to appoint a United Nations High Commissioner for Human Rights the following year.<sup>8</sup> In this context, the General Assembly requested the Secretary-General and Member States to ensure that appropriate additional resources from within the existing and future regular budgets of the United Nations were accorded to the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat to enable them to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action, as well as to coordinate efficiently with other relevant parts of the United Nations system in the field of human rights.<sup>9</sup>

226. In order to improve the effective enjoyment of those human rights and fundamental freedoms, the General Assembly and the Economic and Social Council continued as in the past to act for the realization of the objectives set forth in the Charter and in various international instruments on human rights. In this regard, they continued to affirm the need for international co-operation in the field of human rights, the need for international peace and security for the full realization of human rights, and the need for respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems.<sup>10</sup> These organs also continued to make recommendations to States and Governments reaffirming, in order to facilitate the full enjoyment of human rights, that Member States had to assume specific obligations by ratifying or acceding to international instruments in this field; they had to give equal attention and urgent consideration to the implementation of civil and political rights and of economic, social and cultural rights which were indivisible, interrelated and interdependent; they had to recognize the right to development as an inalienable human right; they had to accord or continue to accord priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals, paying due attention also to other violations of human rights; they had to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level as well as at the international level, including the establishment of the new international economic order; and they had to base the promotion and protection of human rights, considered as legitimate concerns of the world community, on the principles of non-selectivity, impartiality and objectivity, and not to use the human rights issues for political ends.<sup>11</sup>

<sup>6</sup> See also the section of this study relating to the Office of the United Nations High Commissioner for Human Rights, below, paras. 530-535.

<sup>7</sup> G A resolution 48/141 of 20 December 1993. See the report of the United Nations High Commissioner for Human Rights (A/49/36); see also this study, below, paras. 530-535.

<sup>8</sup> G A decision 48/321 of 14 February 1994.

<sup>9</sup> See G A resolutions 48/129 of 20 December 1993 and 49/195 of 23 December 1994.

<sup>10</sup> See, for example, G A resolution 44/63 of 8 December 1989.

<sup>11</sup> G A resolution 44/63 of 8 December 1989, as well as G A resolutions 45/96 of 14 December 1990, 46/117 of 17 December 1996, 47/137 of 18 December 1992, 48/123 of 20 December 1993, and 49/186

227. In the performance of their functions with respect to human rights, the General Assembly and the Economic and Social Council continued to be assisted by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat, the Commission on the Status of Women, the United Nations Council for Namibia, the Special Committee against *Apartheid*, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

## 2. STANDARD SETTING ACTIVITIES

228. During the period under review, the principal organs adopted a number of instruments with the aim, in whole or in part, to identifying and setting standards for the promotion of human rights and fundamental freedoms. Seventeen international human rights instruments were adopted during the period under review against seven in the previous period.<sup>12</sup> These instruments are: the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,<sup>13</sup> the Convention on the Rights of the Child,<sup>14</sup> the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,<sup>15</sup> the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,<sup>16</sup> the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>17</sup> the Basic Principles for the Treatment of Prisoners,<sup>18</sup> the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines),<sup>19</sup> the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,<sup>20</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>21</sup> the United Nations Principles for Older Persons,<sup>22</sup> the Principles for the Protection of

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of 23 December 1994 (on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms), 45/163 of 18 December 1990, 46/129 of 17 December 1991, 47/131 of 18 December 1992, 48/125 of 20 December 1993 and 49/181 of 23 December 1994 (on strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity); see also, for example, E S C resolutions 1989/81 of 24 May 1989, 1990/45 of 25 May 1990, 1991/33 of 31 May 1991 and 1992/11 of 20 July 1992.

<sup>12</sup> See *Supplement No.7*, para. 137.

<sup>13</sup> E S C resolution 1989/65 of 24 May 1989, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989, ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 423.

<sup>14</sup> G A resolution 44/25 of 20 November 1989; United Nations, Treaty Series, vol. 1577, p. 3.

<sup>15</sup> G A resolution 44/34 of 4 December 1989; United Nations, Treaty Series, vol. 2163, p. 75.

<sup>16</sup> G A resolution 44/128 of 15 December 1989; United Nations, Treaty Series, vol. 1642, p. 414.

<sup>17</sup> G A resolution 45/110 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 356.

<sup>18</sup> G A resolution 45/111 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 290.

<sup>19</sup> G A resolution 45/112 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 398.

<sup>20</sup> G A resolution 45/113 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 300.

<sup>21</sup> G A resolution 45/158 of 18 December 1990; United Nations, Treaty Series, vol. 2220, p. 93.

<sup>22</sup> G A resolution 46/91 of 16 December 1991; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 227.

Persons with Mental Illness and for the Improvement of Mental Health Care,<sup>23</sup> the Declaration on the Protection of All Persons from Enforced Disappearance,<sup>24</sup> the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,<sup>25</sup> the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,<sup>26</sup> the Declaration on the Elimination of Violence against Women,<sup>27</sup> the Principles relating to the Status of National Institutions (The Paris Principles),<sup>28</sup> and the Declaration on Measures to Eliminate International Terrorism.<sup>29</sup>

229. Three of the seventeen instruments were under elaboration during the previous period, namely, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>30</sup>

230. In addition, work continued on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

231. Furthermore, consideration commenced during the period under review on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

232. Pursuant to the established procedures, those instruments were elaborated by the subsidiary machinery of the Economic and Social Council and the General Assembly. In this context, the General Assembly continued to reaffirm the important role of the Commission on Human Rights, among other competent United Nations bodies, in the elaboration of international instruments in the field of human rights, and concerning that elaboration, the General Assembly continued to emphasize the relevance of its resolution 41/120 of 4 December 1986 entitled "Setting international standards in the field of human rights".<sup>31</sup>

### 3. STANDARD IMPLEMENTATION ACTIVITIES

233. During the period under review, the principal organs continued to urge all States that had not yet done so to become parties to relevant United Nations

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<sup>23</sup> G A resolution 46/119 of 17 December 1991; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 236.

<sup>24</sup> G A resolution 47/133 of 18 December 1992; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 427.

<sup>25</sup> G A resolution 47/135 of 18 December 1992; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 104.

<sup>26</sup> G A resolution 48/96 of 20 December 1993; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 248.

<sup>27</sup> G A resolution 48/104 of 20 December 1993; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 175.

<sup>28</sup> G A resolution 48/134 of 20 December 1993; ST/HR/1/Rev. 6 (Vol. I/Part 2), p. 469.

<sup>29</sup> G A resolution 49/60 of 9 December 1994.

<sup>30</sup> See *Supplement No. 7*, Article 55, para. 137.

<sup>31</sup> See G A resolution 44/131 of 15 December 1989. For G A resolution 41/120 of 4 December 1986, see *Supplement No. 7*, Article 55, paras. 138-139.



instruments on human rights.<sup>32</sup> The principal organs also continued to reaffirm that the effective implementation of United Nations instruments on human rights was of major importance to the efforts made by the Organization, pursuant to the Charter of the United Nations and to the Universal Declaration of Human Rights, to promote universal respect for, and observance of, human rights and fundamental freedoms.<sup>33</sup> The principal organs continued to consider the status of various United Nations instruments on human rights, notably in considering the reports of treaty bodies established in accordance with the relevant provisions of those instruments, the effective functioning of which represented an important continuing concern to the United Nations.<sup>34</sup> The General Assembly, for example, reaffirmed its responsibility to ensure the proper functioning of human rights treaty bodies, the importance of ensuring the effective functioning of the systems of periodic reporting by States parties to those instruments, the importance of addressing the problem of securing sufficient resources which continued to hamper the proper functioning of human rights treaty bodies, and the importance of addressing the question of reporting obligations and that of resources implications whenever considering the possibility of establishing any further instruments on human rights.<sup>35</sup>

234. Concerning the reporting obligations of States parties to United Nations instruments on human rights, the General Assembly recognized that effective periodic reporting to the relevant human rights treaty bodies as well as the efficient functioning of the treaty bodies themselves not only enhanced international accountability in relation to the promotion and protection of human rights, but also provided States parties with a valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make any appropriate adjustments.<sup>36</sup> The General Assembly expressed concern about the continuing and increasing backlog of reports on implementation by States parties and about delays in consideration of reports by the treaty bodies, and again urged States parties to make every effort to meet fully and without delay their reporting obligations as well as their financial obligations under the relevant instruments on human rights. The General Assembly also urged States parties to contribute, individually and through meetings of States parties, to enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies. It invited the treaty bodies to streamline, rationalize and otherwise improve reporting procedures, and supported the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence.<sup>37</sup>

235. Besides, the Economic and Social Council welcomed the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appealed to other bodies dealing with similar questions of human rights to respect those standards as expressed in the general comments of the Human Rights

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<sup>32</sup> For example, G A resolution 44/129 of 15 December 1989; E S C resolution 1989/81 of 24 May 1989.

<sup>33</sup> For example, G A resolutions 44/135 of 15 December 1989 and 46/111 of 17 December 1991.

<sup>34</sup> G A resolution 44/129 of 15 December 1989; also E S C resolutions 1990/45 of 25 May 1990, 1991/33 of 31 May 1991 and 1992/11 of 20 July 1992.

<sup>35</sup> G A resolution 44/135 of 15 December 1989.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.* See also G A resolution 46/111 of 17 December 1991, E S C resolution 1992/11 of 20 July 1992 and E S C decisions 1989/142 and 1989/143 of 24 May 1989.

Committee.<sup>38</sup> The Council also welcomed the adoption by the Committee on Economic, Social and Cultural Rights, the first time in 1989, of general comments and encouraged the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the International Covenant on Economic, Social and Cultural Rights.<sup>39</sup>

236. A task force was appointed during the period under review to prepare a study on computerizing the work of the treaty-monitoring bodies. The General Assembly welcomed the emphasis made by the persons chairing the human rights treaty bodies on the need for the enjoyment of human rights of women to be closely monitored by each treaty body and requested the United Nations High Commissioner for Human Rights to ensure that the United Nations Manual on Human Rights Reporting was available in all official languages.

237. With the entry into force in September 1990 of the Convention on the Rights of the Child, the Committee on the Rights of the Child held its first session in 1991 and the General Assembly welcomed the adoption of the general guidelines regarding the form and contents of initial reports to be submitted by States parties.

238. On matters dealing with human rights under both country and thematic special procedures mechanisms, the principal organs continued to endorse, authorize or approve the decisions of the Commission on Human Rights to appoint or extend the work of mandate holders and *ad hoc* Working Groups, and often, the principal organs approved the Commission's requests to the Secretary-General to provide all necessary assistance to enable the accomplishment of the tasks.

239. In addition to the countries covered by the previous *Supplement*,<sup>40</sup> the human rights situation in Kuwait under Iraqi occupation, Myanmar, Iraq, Estonia and Latvia, Sudan, the territory of the former Yugoslavia, Occupied Arab Territories including Palestine, Somalia, Cambodia, Kosovo and Rwanda was examined during the period under review.

240. Twenty new<sup>41</sup> thematic mandates were established during the period under review on the following human rights issues : right to freedom of opinion and expression;<sup>42</sup> right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms;<sup>43</sup> discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS);<sup>44</sup> sale of children, child prostitution and child pornography;<sup>45</sup> rights of minorities (national experience in the protection of minorities);<sup>46</sup> right to a fair trial;<sup>47</sup> right of everyone to own property alone as well as

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<sup>38</sup> E S C resolutions 1990/45 of 25 May 1990, 1991/33 of 31 May 1991 and 1992/11 of 20 July 1992.

<sup>39</sup> *Ibid.*

<sup>40</sup> See *Supplement No. 7*, Article 55, paras. 313-332.

<sup>41</sup> Only six mandates were created during the previous period. See *Supplement No. 7*, Article 55, paras. 333-340.

<sup>42</sup> See E S C decision 1990/35 of 25 May 1990.

<sup>43</sup> See E S C decision 1990/36 of 25 May 1990.

<sup>44</sup> See E S C decision 1990/239 of 25 May 1990.

<sup>45</sup> See E S C decision 1990/240 of 25 May 1990.

<sup>46</sup> See E S C decision 1990/246 of 25 May 1990.

<sup>47</sup> See E S C resolution 1991/28 of 31 May 1991.

in association with others;<sup>48</sup> independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;<sup>49</sup> arbitrary detention;<sup>50</sup> human rights and the environment;<sup>51</sup> internally displaced persons;<sup>52</sup> ownership and control of the cultural property of indigenous peoples;<sup>53</sup> human rights and extreme poverty;<sup>54</sup> transition to democracy in South Africa;<sup>55</sup> measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance;<sup>56</sup> right to development;<sup>57</sup> impunity of perpetrators of violations of human rights;<sup>58</sup> promoting the realization of the right to adequate housing;<sup>59</sup> human rights dimensions of population transfer, including the implantation of settlers and settlements;<sup>60</sup> and integrating the rights of women into the human rights mechanisms of the United Nations and elimination of violence against women.<sup>61</sup>

241. As regards the communication procedures, the Economic and Social Council approved the decision of the Commission on Human Rights to set up and to extend on annual basis the mandate of the Working Group on Situations composed of five of its members to meet for one week prior to its session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized.<sup>62</sup>

242. The human rights activities were also implemented under the advisory services and technical co-operation programme including support to the establishment of national and regional institutions for the promotion and protection of human rights, providing advice and financial assistance to the victims of human rights violations, as well as facilitating public access to international human rights instruments. The World Public Information Campaign for Human Rights launched in 1988<sup>63</sup> was an important instrument in broadening the scope of public information and awareness activities and encouraging the incorporation of human rights in teaching curricula during the period under review.

243. In the same line as in the previous *Supplement*, the United Nations organs continued to make recommendations on specific issues, such as the prohibition of torture, or other cruel, inhuman or degrading treatment or punishment,<sup>64</sup> the right to

<sup>48</sup> See E S C decision 1991/236 of 31 May 1991.

<sup>49</sup> See E S C decision 1991/241 of 31 May 1991.

<sup>50</sup> See E S C decision 1991/143 of 31 May 1991.

<sup>51</sup> See E S C decision 1991/244 of 31 May 1991.

<sup>52</sup> See E S C decision 1992/243 of 20 July 1992.

<sup>53</sup> See E S C decision 1992/256 of 20 July 1992. See also E S C decision 1994/274 of 25 July 1994 on cultural and intellectual property of indigenous people.

<sup>54</sup> See E S C resolution 1993/44 of 28 July 1993.

<sup>55</sup> See E S C resolution 1993/45 of 28 July 1993.

<sup>56</sup> See E S C decision 1993/258 of 28 July 1993.

<sup>57</sup> See E S C decision 1993/260 of 28 July 1993.

<sup>58</sup> See E S C decision 1993/266 of 28 July 1993.

<sup>59</sup> See E S C decision 1993/287 of 28 July 1993.

<sup>60</sup> See E S C decision 1993/288 of 28 July 1993.

<sup>61</sup> See E S C decision 1994/254 of 22 July 1994.

<sup>62</sup> See, for example, E S C decision 1989/144 of 24 May 1989.

<sup>63</sup> See *Supplement No. 7*, Article 55, para. 367.

<sup>64</sup> *Ibid.*, para. 172. See also this study, paras. 269-273.

own property,<sup>65</sup> the right to take part in the government,<sup>66</sup> the rights of indigenous populations,<sup>67</sup> the rights relating to armed conflicts,<sup>68</sup> the rights of peoples and nations to self-determination,<sup>69</sup> the rights to development,<sup>70</sup> the rights to peace,<sup>71</sup> regional arrangements for the promotion and protection of human rights,<sup>72</sup> assistance to victims of racism and racial discrimination,<sup>73</sup> the United Nations Voluntary Fund for Victims of Torture,<sup>74</sup> and the policies and practices of *apartheid*.<sup>75</sup> Regarding the latter, the entry into force of South Africa's first non-racial and democratic constitution in 1994, was a landmark in the history of the United Nations' and this country's combat against *apartheid* and racial discrimination.

244. During the period under review, the question of freedom of thought, conscience and religion was discussed in connection with the elimination of all forms of religious intolerance while considered in the context of the rights of aliens in the previous *Supplement*.<sup>76</sup> The freedom of peaceful assembly and association was examined in connection with the human rights of aliens and youth during the previous period,<sup>77</sup> while considered with the infringements of trade union rights in South Africa in the current study.<sup>78</sup> During the period under review, the right to health was examined by the General Assembly in the context of the protection of persons with mental illness, as well as of prevention and control of acquired immunodeficiency syndrome while the Assembly had examined that question in the context of the protection of persons under detention or imprisonment during the previous period.<sup>79</sup> The rights of older persons have been examined in connection with the rights of women during the previous period,<sup>80</sup> but in connection with the implementation of the International Plan of Action on Aging and related activities in the current study.<sup>81</sup>

245. While women's rights, the role of women in society<sup>82</sup> and the advancement of the status of women<sup>83</sup> were the focus of discussions in the previous and current *Supplements*, some innovative subjects are covered in this study, for example the violence against migrant women workers, the violence against women, the traffic in women and girls, the enlargement of the Commission on the Status of Women, as well as the consideration of women's rights by the World Conference on Human Rights (Vienna 1993).

<sup>65</sup> See *Supplement No. 7*, Article 55, paras. 218-220. See also this study, paras. 314-315.

<sup>66</sup> See *Supplement No. 7*, Article 55, paras. 225-226. See also this study, paras. 324-330.

<sup>67</sup> See *Supplement No. 7*, Article 55, paras. 263-266. See also this study, paras. 376-378.

<sup>68</sup> See *Supplement No. 7*, Article 55, para. 282. See also this study, paras. 411-414.

<sup>69</sup> See *Supplement No. 7*, Article 55, para. 283. See also this study, paras. 415-419.

<sup>70</sup> See *Supplement No. 7*, Article 55, paras. 286-289. See also this study, paras. 420-424.

<sup>71</sup> See *Supplement No. 7*, Article 55, paras. 290-292. See also this study, paras. 425-428.

<sup>72</sup> See *Supplement No. 7*, Article 55, paras. 356-358. See also this study, paras. 557-558.

<sup>73</sup> See *Supplement No. 7*, Article 55, para. 359. See also this study, paras. 559-562.

<sup>74</sup> See *Supplement No. 7*, Article 55, para. 363. See also this study, para. 561.

<sup>75</sup> See *Supplement No. 7*, Article 55, paras. 182-184. See also this study, paras. 287-291.

<sup>76</sup> See *Supplement No. 7*, Article 55, para. 221.

<sup>77</sup> *Ibid.*, para. 224.

<sup>78</sup> See this study, paras. 321-323.

<sup>79</sup> See *Supplement No. 7*, Article 55, para. 234.

<sup>80</sup> *Ibid.*, paras. 279-281.

<sup>81</sup> See this study, paras. 403-407.

<sup>82</sup> See *Supplement No. 7*, Article 55, paras. 242-243.

<sup>83</sup> *Ibid.*, paras. 244-246.

246. New decisions have been taken by the principal organs during this period regarding the right of asylum and related rights, the issues of street children, children affected by armed conflicts, sale of children, child prostitution and child pornography, rights of minorities, rights of disabled persons, youth and human rights, human rights defenders, international terrorism, and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. The General Assembly also proclaimed three decades concerning human rights activities, namely the Third Decade to Combat Racism and Racial Discrimination (1993-2003), the International Decade of the World's Indigenous People (1994-2004) and the United Nations Decade for Human Rights Education (1995-2004).

247. Few issues discussed during the previous period have not been developed in the current study such as the rights relating to privacy and to honour and reputation,<sup>84</sup> the freedom of expression,<sup>85</sup> rights to work,<sup>86</sup> rights relating to cultural life, the arts and scientific advancement,<sup>87</sup> assistance to victims of mass exodus and displaced persons,<sup>88</sup> and the United Nations Voluntary Fund for Indigenous Populations.<sup>89</sup>

248. As in the previous review period, and among the noticeable developments covered by this study, is the innovative consideration of the work of certain organs such as treaty-bodies entrusted with the task of participating in the interpretation and implementation of existing norms. The Human Rights Committee made some recommendations related to the rights of the child; the equal protection of everyone by the law against discrimination; the prohibition of torture or other cruel, inhuman or degrading treatment or punishment; the question of freedom of thought, conscience or religion; and the rights of minorities. In a follow-up to its normative interpretation of the term "family" in the context of Article 17 of the International Covenant on Civil and Political Rights,<sup>90</sup> the Human Rights Committee examined this term in connection with the rights relating to marriage and family during the period under review.<sup>91</sup> In addition, the issue of equality in marriage and family relations was examined by the Committee on the Elimination of Discrimination Against Women, which made further general recommendations on violence against women and female circumcision. The Committee on Economic, Social and Cultural Rights adopted general comments on reporting by States parties; international technical assistance measures for the promotion of effective realization of the rights contained in the International Covenant on Economic, Social and Cultural Rights; the nature of States parties' obligations; the right to adequate housing; and persons with disabilities. General comments adopted during the period under review by the Committee on the Elimination of Racial Discrimination included in particular one related to the establishment of national institutions to facilitate the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

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<sup>84</sup> See *Supplement No.7*, Article 55, paras. 200-210.

<sup>85</sup> *Ibid.*, paras. 222-223.

<sup>86</sup> *Ibid.*, paras. 227-229.

<sup>87</sup> *Ibid.*, paras. 237-239.

<sup>88</sup> *Ibid.*, paras. 360-362.

<sup>89</sup> *Ibid.*, para. 364.

<sup>90</sup> *Ibid.*, para. 217.

<sup>91</sup> See this study, paras. 309-313.

249. Finally, the Analytical Summary of this study reflects the developments pertaining to the establishment in 1994 of the Office of the United Nations High Commissioner for Human Rights. Unlike the previous *Supplement*, and given the significance of the World Conference on Human Rights (Vienna 1993) for the period under review, the recommendations of the Vienna Declaration and Programme of Action are also integrated under the relevant headings in the Analytical Summary, including in connection with the question of the meaning of the expression “for all without distinction as to race, sex, language, or religion” and the question of the meaning of the term “universal”, the territorial scope of the provisions relating to human rights, even though the Vienna Declaration and Programme of Action does not deal with the definition of the term “universal”.

## B. ANALYTICAL SUMMARY OF PRACTICE

### \* \* 1. THE QUESTION OF THE MEANING OF THE PHRASE “RESPECT FOR, AND OBSERVANCE OF”

### 2. THE QUESTION OF THE MEANING OF THE TERM “HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS”

#### a) Human rights instruments adopted during the period under review

250. Some of the standard-setting work in the process of elaboration during the period covered by the previous *Supplement*,<sup>92</sup> have been finalized during the reviewed period. By its resolution 1989/65 of 24 May 1989, the Economic and Social Council adopted the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.<sup>93</sup> In that resolution, the Council stressed that the extra-legal, arbitrary and summary executions contravene the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights. The Council also recommended that the Principles should be taken into account and respected by Governments within the framework of their national legislation and practices, and should be brought to the attention of law enforcement and criminal justice officials, military personnel, lawyers, members of the executive and legislative bodies of the Governments and the public in general. The Council further requested the Secretary-General to include the Principles in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.<sup>94</sup>

251. The General Assembly adopted by its resolution 44/25 of 20 November 1989 the Convention on the Rights of the Child. In adopting that resolution, the General Assembly was concerned that the situation of children in many parts of the world remained critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability. The General Assembly was convinced that urgent and effective national and international action was called for. It reaffirmed that children’s rights required special protection and called for continuous

<sup>92</sup> See *Supplement No. 7*, Article 55, para. 137.

<sup>93</sup> The General Assembly endorsed the Principles in its resolution 44/162 of 15 December 1989.

<sup>94</sup> See also the section of this study regarding the rights relating to the freedom and integrity of the person, paras. 263-283.

improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security. It also stated that it was convinced that an international convention on the rights of the child would make a positive contribution to protecting children's rights and ensuring their well-being. It further requested the Secretary-General to provide all the facilities and assistance necessary for the dissemination of information on the Convention, and invited United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting its understanding.<sup>95</sup>

252. The General Assembly also adopted in resolution 44/34 of 4 December 1989 the International Convention against the Recruitment, Use, Financing and Training of Mercenaries in the Preamble of which the States Parties recognized that the recruitment, use, financing and training of mercenaries violate principles of international law, such as those of sovereign equality, political independence, territorial integrity of States and self-determination of peoples. The States Parties affirmed that those activities should be considered as offences of grave concern to all States and that any person committing any of those offences should be either prosecuted or extradited. The States Parties were also convinced that the adoption of that Convention would contribute to the eradication of those nefarious activities and thereby to the observance of the purpose and principles enshrined in the Charter. They further stated that matters not regulated by the Convention continued to be governed by the rules and principles of international law.<sup>96</sup>

253. In resolution 44/128 of 15 December 1989, the General Assembly adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty. In the Protocol, the States Parties would recall article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights; believed that abolition of the death penalty would contribute to enhancement of human dignity and progressive development of human rights; and were convinced that all measures of abolition of the death penalty should be considered as progress in enjoyment of the right of life.<sup>97</sup>

254. The General Assembly adopted by its resolution 45/158 of 18 December 1990 the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families. In the Preamble of the Convention, the States Parties affirmed that they were convinced that the rights of migrant workers and members of their families had not been sufficiently recognized everywhere and therefore required appropriate international protection. The States Parties considered that the human problems involved in migration were even more serious in the case of irregular migration, and therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights. They also considered that recourse to the employment of migrant workers who were in an irregular situation would be discouraged if the fundamental human rights of all

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<sup>95</sup> See also the section of this study regarding the rights of the child, paras. 355-366.

<sup>96</sup> See also the section of this study regarding the right of peoples and nations to self-determination, paras. 415-419.

<sup>97</sup> See also the section of this study concerning the rights relating to the freedom and integrity of the person, paras. 263-283.

migrant workers were more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation would encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned. The States Parties were convinced of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally.<sup>98</sup>

255. In adopting the United Nations Principles for Older persons, by its resolution 46/91 of 16 December 1991, the General Assembly was aware of the plight of the elderly in developing countries, particularly the least developed among them, as well as those in difficult circumstances, such as refugees, migrant workers and victims of conflict. The General Assembly encouraged Governments to incorporate the Principles into their national programmes on ageing whenever possible.<sup>99</sup>

256. In resolution 46/119 of 17 December 1991, the General Assembly adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care. The General Assembly requested the Secretary-General to include the text of the Principles, together with the introduction, in the next edition of the publication entitled *Human Rights: A Compilation of International Instruments*. It also requested the Secretary-General to give the Principles the widest possible dissemination and to ensure that the introduction was published at the same time as an accompanying document for the benefit of Governments and the public at large.<sup>100</sup>

257. The General Assembly adopted by its resolution 47/133 of 18 December 1992 the Declaration on the Protection of All Persons from Enforced Disappearance. The General Assembly considered that enforced disappearance undermined the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts was of the nature of a crime against humanity. It affirmed that, while the acts which comprised enforced disappearances constituted a violation of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>101</sup> and of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,<sup>102</sup> it was none the less important to devise an instrument which characterized all acts of enforced disappearance of persons as very serious offences and set forth standards designed to punish and prevent their commission. The General Assembly urged that all efforts be made so that the Declaration became generally known and respected.<sup>103</sup>

258. In adopting by its resolution 47/135 of 18 December 1992 the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the General Assembly considered that the United Nations had an

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<sup>98</sup> See also the section of this study regarding migrants' rights, paras. 379-391.

<sup>99</sup> See also the section of this study concerning the rights of older persons, paras. 403-407.

<sup>100</sup> See also the section of this study concerning the right to health, paras. 338-341.

<sup>101</sup> G A resolution 43/173 of 9 December 1988, annex. See *Vol. IV, Supplement No. 7*, Article 55, paras. 158 and 199.

<sup>102</sup> E S C resolution 1989/65 of 24 May 1989, endorsed by G A resolution 44/162 of 15 December 1989. See this *Supplement*, paras. 264-267.

<sup>103</sup> See also the section of this study concerning the rights relating to the freedom and integrity of the person, paras. 263-283.



increasingly important role to play regarding the protection of minorities. The General Assembly requested the Secretary-General to ensure the distribution of the Declaration as widely as possible and to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*. It also invited United Nations agencies, organizations, organs and bodies, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Declaration and to promoting understanding thereof, and to give due regard to the Declaration within their mandates. The General Assembly further requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.<sup>104</sup>

259. In resolution 48/96 of 20 December 1993, the General Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The General Assembly requested Member States to apply the Rules in developing national disability programmes, and to support, financially and otherwise, the implementation of the Rules. It also requested the Secretary-General to promote the implementation of the Rules.<sup>105</sup>

260. In resolution 48/104 of 20 December 1993, the General Assembly adopted the Declaration on the Elimination of Violence against Women. In that resolution, the General Assembly stated that it was alarmed that opportunities for women to achieve legal, social, political and economic equality in society were limited, *inter alia*, by continuing and endemic violence. The General Assembly was convinced that there was a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women. The General Assembly urged that every effort be made so that the Declaration became generally known and respected.<sup>106</sup>

261. In adopting the Principles relating to the Status of National Institutions (The Paris Principles), by its resolution 48/134 of 20 December 1993, the General Assembly was convinced of the significant role that institutions at the national level could play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms. The General Assembly encouraged Member States to establish, or where they already existed, to strengthen national institutions for the promotion and protection of human rights and to incorporate those elements in national development plans, and also to do so on the basis of the Principles and the right of each State to choose the framework that was best suited to its particular needs at the national level.<sup>107</sup>

262. At the end of the period under review, the General Assembly adopted in resolution 49/60 of 9 December 1994 the Declaration on Measures to Eliminate International Terrorism. The General Assembly was convinced that the adoption of

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<sup>104</sup> See also the section of this study regarding the rights of minorities, paras. 367-375.

<sup>105</sup> See also the section of this study concerning the rights of disabled persons, paras. 396-402.

<sup>106</sup> See also the section of this study related to women's rights, paras. 343-354.

<sup>107</sup> See also the section of this study concerning national and regional institutions or mechanisms for the promotion and protection of human rights, paras. 551-558.

the Declaration should contribute to the enhancement of the struggle against terrorism, and to the maintenance of international peace and security. The General Assembly urged States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to eliminate terrorism. It also urged that every effort be made in order that the Declaration became generally known and was observed and implemented in full.<sup>108</sup>

b) The elaboration of human rights and fundamental freedoms

(i) Civil and political rights

(a) Rights relating to the freedom and integrity of the person

263. As in the previous review period,<sup>109</sup> the principal organs continued to elaborate on the freedom of the individual and the right to life and integrity of the person, and to affirm those rights in several specific problems, such as summary or arbitrary executions, death penalty, torture and other cruel, inhuman or degrading treatment or punishment, question of enforced or involuntary disappearances, and violence in the family.

**Summary or arbitrary executions**

264. Concerning summary or arbitrary executions, it will be recalled from the previous *Supplement*<sup>110</sup> that the General Assembly and the Economic and Social Council had taken a number of decisions with regard to that question in light of standards of human rights. During the period under review, the principal organs of the United Nations continued to take appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions. In this respect, the Economic and Social Council adopted by its resolution 1989/65 of 24 May 1989 the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principles which were endorsed by the General Assembly in its resolution 44/162 of 15 December 1989. The Principles are divided in three parts: prevention (Principles 1 to 8), investigation (Principles 9 to 17) and legal proceedings (Principles 18 to 20). Part one relates to the prevention of extra-legal, arbitrary and summary executions. According to Principle 1, Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences; exceptional circumstances including a state of war, threat of war, internal armed conflict or any other public emergency may not be invoked as a justification of such executions; this prohibition shall prevail over decrees issued by governmental authority. Principle 2 states that in order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and

<sup>108</sup> See also the section of this study regarding the right to peace, paras. 425-428.

<sup>109</sup> See *Supplement No. 7*, Article 55, paras. 160-177.

<sup>110</sup> *Ibid.*, paras. 161-162.

firearms. In accordance with Principle 3, Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions; all persons shall have the right and the duty to defy such orders, and the training of law enforcement officials shall emphasize the above provisions. Principles 4 to 8 relate to the protection of individuals and groups in danger of extra-legal, arbitrary or summary executions or under death threats (Principle 4), the prohibition of involuntary return or extradition to a country where one may become a victim of extra-legal, arbitrary or summary executions (Principle 5), the detention in officially recognized places of custody and the prompt information to relatives or lawyer or persons of confidence (Principle 6), the inspections including unannounced inspections in places of custody on a regular basis (Principle 7), and the governmental measures to prevent extra-legal, arbitrary and summary executions (Principle 8).

265. Part two of the Principles deals with the investigation. According to Principle 9, there shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, Governments shall maintain investigative offices and procedures to undertake such inquiries, whose purpose shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death; the investigation shall distinguish between natural death, accidental death, suicide and homicide. Principle 10 states that the investigative authority shall have the power to obtain all information necessary to the inquiry, and shall have at their disposal all the necessary budgetary and technical resources including witnesses for effective investigation. According to Principle 11, Governments shall pursue investigations through an independent commission of inquiry or similar procedure in cases in which the established investigative procedures are inadequate. Principle 12 sets out that the body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall if possible be an expert in forensic pathology; if the body has been buried and it later appears that an investigation is required, the body shall be promptly and competently exhumed for an autopsy. According to Principle 13, the body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out; the autopsy shall at a minimum attempt to establish the identity of the deceased, the cause and manner of death, the time and place of death. Principles 14 to 17 refer to the objectivity of the results of the investigation (Principle 14), the protection of complainants, witnesses and investigators and their families (Principle 15), the information to families of the deceased and their legal representatives (Principle 16), and the written report of the investigation (Principle 17). According also to Principle 17, the Government shall within a reasonable period of time either reply to the report of the investigation, or indicate the steps to be taken in response to it.

266. Part three of the Principles concerns the legal proceedings : Governments shall bring to justice persons identified by investigations as having participated in extra-legal, arbitrary or summary executions (Principle 18), no impunity or immunity for any person allegedly involved in extra-legal, arbitrary or summary executions (Principle 19), and families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time (Principle 20).

267. Throughout the period under review, the General Assembly continued to recall Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.<sup>111</sup> The General Assembly also continued to condemn the large number of summary or arbitrary executions, including extra-legal executions, which continued to take place in various parts of the world, and demanded that that practice be brought to an end.<sup>112</sup> It appealed to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions. It urged all Governments, in particular those which had consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to co-operate with and assist the Special Rapporteur so that he might carry out his mandate effectively. It every time welcomed Economic and Social Council decisions in which the Council approved the decisions of the Commission on Human Rights to extend the mandate of the Special Rapporteur and approved the Commission's requests to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur.<sup>113</sup> It considered that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts. It also requested the Special Rapporteur to respond effectively to information that came before him, in particular when a summary or arbitrary execution was imminent or threatened, or when such an execution had recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provided reliable information to the Special Rapporteur, where he considered that such exchanges of information might be useful.<sup>114</sup> It finally encouraged Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, in human rights and humanitarian law issues connected with their work, and appealed to the international community to support endeavours to that end.<sup>115</sup>

### **Death penalty**

268. Regarding the abolition of the death penalty, in its resolution 44/128 of 15 December 1989, the General Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. For this abolition, the Protocol recalls the provisions of article 3 of the Universal Declaration of Human Rights, and of article 6 of the International Covenant on Civil and Political Rights, and provides that no one within the jurisdiction of a State Party to it shall be executed, and that each State Party shall take all necessary measures to abolish the death penalty

<sup>111</sup> See for example G A resolutions 44/159 of 15 December 1989 and 45/162 of 18 December 1990.

<sup>112</sup> *Ibid.*, and also G A resolutions 47/136 of 18 December 1992 and 49/191 of 23 December 1994.

<sup>113</sup> See G A resolutions 44/159 of 15 December 1989, 45/162 of 18 December 1990, 47/136 of 18 December 1992 and 49/191 of 23 December 1994.

<sup>114</sup> *Ibid.*

<sup>115</sup> G A resolution 49/191 of 23 December 1994.

within its jurisdiction (article 1). According to article 2, no reservation is admissible to the Protocol except for a reservation that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime; the State Party making such a reservation shall communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime, as well as any beginning or ending of a state of war applicable to its territory. According to articles 3, 4 and 5, States Parties' obligations in accordance with articles 40, 41 and the first Optional Protocol to the International Covenant on Civil and Political Rights, shall extend to the present Protocol unless the States Parties concerned have made a statement to the contrary at the moment of ratification or accession. The provisions of the present Protocol shall apply as additional provisions to the International Covenant on Civil and Political Rights (article 6), and shall extend to all parts of federal States without any limitations or exceptions (article 9).

### **Torture and other cruel, inhuman or degrading treatment or punishment**

269. Concerning the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the General Assembly, in for example resolutions 44/143 of 15 December 1989 and 45/144 of 14 December 1990, expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa and Namibia; it reiterated its demand for immediate and unconditional release of children held in detention by the *apartheid* régime in South Africa and Namibia, and also demanded the immediate dismantlement of the so-called "rehabilitation camps" and "re-education centres" since they only served the racist régime's strategy of physically and mentally abusing black children; it further requested the Commission on Human Rights to pay or continue to pay special attention to that problem with a view to rehabilitating those children who had been victims of torture, detention and other inhuman treatment by the *apartheid* régime.

270. The prohibition of torture, or other cruel, inhuman or degrading treatment or punishment has been examined by the Human Rights Committee at its forty-fourth session (1992).<sup>116</sup> According to the Committee, the prohibition in article 7 of the International Covenant on Civil and political Rights was complemented by the positive requirements of article 10, paragraph 1, of the Covenant, which stipulates that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". The text of article 7 allowed of no limitation. Therefore, the Committee observed that no justification or extenuating circumstances might be invoked to excuse a violation of article 7 for any reasons, including those based on an order from a superior officer or public authority. The prohibition in article 7 related not only to acts that caused physical pain but also to acts that caused mental suffering to the victim; that prohibition had to be extended to corporal punishment, including excessive chastisement ordered as punishment for a crime or as an educative or disciplinary measure; and that prohibition protected in particular children and pupils in teaching institutions, as well as patients in medical institutions for whom medical or scientific experimentation without free consent were prohibited.

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<sup>116</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General Comment No. 20 : Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment (article 7 of the Covenant), pp. 150-153. This general comment No. 20 replaces general comment No. 7, sixteenth session, 1982.

271. In the view of the Committee, States parties to the Covenant should inform the Committee of the legislative, administrative, judicial and other measures taken to prevent and punish acts of torture in any territory under their jurisdiction; States parties had to not expose individuals to the danger of torture upon return to another country by way of their extradition, expulsion or refoulement; States parties should ensure that any places of detention be free from any equipment liable to be used for inflicting torture or ill-treatment; the protection of detainees also required that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so required, to family members; enforcement personnel, medical personnel, police officers and any other persons involved in the custody or treatment of any individual subjected to any form of arrest, detention or imprisonment had to receive appropriate instruction and training; the law had to prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.<sup>117</sup>

272. The Committee further noted that some States had granted amnesty in respect of acts of torture. In its view, amnesties were generally incompatible with the duty of States to investigate such acts, to guarantee freedom from such acts within their jurisdiction, and to ensure that they did not occur in the future. States parties could not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as might be possible.<sup>118</sup>

273. The prohibition of torture has also been examined by the World Conference on Human Rights (Vienna 1993). According to the Vienna Declaration and Programme of Action, freedom from torture is a right which must be protected under all circumstances, including in times of internal or international disturbance or armed conflicts. Efforts to eradicate torture should, first and foremost, be concentrated on prevention and, therefore, on the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention.<sup>119</sup>

### **Question of enforced or involuntary disappearances**

274. Concerning the question of enforced or involuntary disappearances, the General Assembly continued, as in the past,<sup>120</sup> to underline the importance of implementing the provisions of its resolution 33/173 of 20 December 1978 and other United Nations resolutions on the question. The General Assembly again appealed to the Governments concerned, particularly those which had not yet replied to the communications addressed to them by the Working Group on Enforced or Involuntary Disappearances, to co-operate fully with it so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them. The General Assembly also encouraged the Governments concerned to consider the

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<sup>117</sup> HRI/GEN/1/Rev. 7, pp. 150-153.

<sup>118</sup> *Ibid.*, pp. 150-153.

<sup>119</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, pp. 15-16.

<sup>120</sup> See *Supplement No. 7*, Article 55, para. 336.

wish of the Working Group, when such a wish was expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively.<sup>121</sup>

275. In the same vein, the General Assembly expressed its thanks to those Governments that had invited the Working Group and requested them to give all necessary attention to its recommendations. It appealed to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they might be the target. It called upon all Governments to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was ensured, particularly as regards the prevention of enforced disappearances. It reminded all Governments of the need to ensure that their competent authorities conducted prompt inquiries when there was reason to believe that an enforced disappearance had occurred in territory under their jurisdiction. It also requested the Working Group to give the necessary attention to cases of children who had disappeared and of children of persons who had disappeared. It further called upon the Commission on Human Rights to continue to study that question as a matter of priority and to take any step it might deem necessary to the pursuit of the task of the Working Group when considering the report submitted to it by the Working Group.<sup>122</sup>

276. On the same issue, in its resolution 47/133 of 18 December 1992, the General Assembly considered it important to devise an instrument which characterized all acts of enforced disappearance of persons as very serious offences and set forth standards designed to punish and prevent their commission. Therefore, it proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States.<sup>123</sup>

277. The Declaration states that any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families; such act constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment; and such act also violates or constitutes a grave threat to the right to life.

278. According to the Declaration, each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction; each State shall declare all acts of such nature offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness; each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited, and perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable under civil law, without prejudice to the international responsibility of the State concerned in accordance with the principles of international law; and no circumstances whatsoever, whether a threat of

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<sup>121</sup> G A resolutions 44/160 of 15 December 1989, 45/165 of 18 December 1990, 46/125 of 17 December 1991 and 47/132 of 18 December 1992.

<sup>122</sup> *Ibid.*

<sup>123</sup> G A resolution 47/133 of 18 December 1992; ST/HR/1/Rev. 6 (Vol.I/Part 1), p. 427.

war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

279. In order to prevent enforced disappearances under all circumstances, the Declaration states that any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention; also, any person deprived of liberty must be released in a manner permitting reliable verification that he has actually been released and, further, has been released in conditions in which his physical integrity and ability fully to exercise his rights are assured.

280. The Declaration further declares that persons alleged to have committed any act of enforced disappearance shall be suspended from any official duties during the investigation on the matter, and that these persons shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction. The victims of acts of enforced disappearance and their families shall obtain redress and shall have the right to adequate compensation. States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance.

281. In its resolution 49/193 of 23 December 1994, the General Assembly recalled the Declaration on the Protection of All Persons from Enforced Disappearance and reiterated its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration, and to take action at the national and regional levels and in co-operation with the United Nations to that end. The General Assembly also invited the Working Group on Enforced or Involuntary Disappearances to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles.

282. As for it, the World Conference on Human Rights, in its Vienna Declaration and Programme of Action, welcomed the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance. The Vienna Declaration also calls upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearances. It further affirms that it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators.<sup>124</sup>

### **Violence in the family**

283. As in the previous review period,<sup>125</sup> the General Assembly and the Economic and Social Council continued to be concerned about the domestic violence. In its resolution 1989/67 of 24 May 1989, the Economic and Social Council took note of the note by the Secretary-General<sup>126</sup> on progress achieved with respect to the

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<sup>124</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 16.

<sup>125</sup> See *Supplement No. 7*, Article 55, paras. 176-177.

<sup>126</sup> See E/AC.57/1988/12.



implementation of General Assembly resolution 40/36 of 29 November 1985 on domestic violence,<sup>127</sup> and requested the Secretary-General to continue to pursue actively the implementation of that General Assembly resolution, in particular to undertake further comparative research, studies and reports on developments in the phenomenon of domestic violence against spouses, children and the elderly.

(b) Rights relating to recognition before the law and protection of the law

284. During the period under review, the principal organs of the United Nations adopted a number of resolutions regarding the rights relating to recognition before the law and protection of the law, which were examined from the perspective of the Second Decade to Combat Racism and Racial Discrimination, the Third Decade to Combat Racism and Racial Discrimination, the action against *apartheid*, the protection against discrimination in the context of the International Covenant on Civil and Political Rights, and the World Conference on Human Rights (Vienna 1993).

**Second Decade to Combat Racism and Racial Discrimination**

285. In connection with the Second Decade to Combat Racism and Racial Discrimination, the General Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form such as *apartheid*, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights and had to be combated by all available means.<sup>128</sup> The General Assembly appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and *apartheid*. In this context, the General Assembly welcomed the publication of the global compilation of national legislation against racism and racial discrimination, and requested the Secretary-General to transmit it to Governments as soon as possible.<sup>129</sup> It also took note of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the results achieved and obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade,<sup>130</sup> and requested the Secretary-General to publish the study and distribute it on as wide a scale as possible.<sup>131</sup>

**Third Decade to Combat Racism and Racial Discrimination**

286. The General Assembly noted with grave concern that despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination had not been attained and that millions of human beings continued to be the victims of varied forms of racism, racial discrimination and *apartheid*. Consequently, it decided to proclaim, on the

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<sup>127</sup> For G A resolution 40/36 of 29 November 1985, see previous *Supplement*, No. 7, Article 55, paras. 176-177.

<sup>128</sup> G A resolutions 44/52 of 8 December 1989, 45/105 of 14 December 1990, 46/85 of 16 December 1991 and 47/77 of 16 December 1992.

<sup>129</sup> G A resolutions 46/85 of 16 December 1991 and 47/77 of 16 December 1992.

<sup>130</sup> A/45/525, annex.

<sup>131</sup> G A resolution 46/85 of 16 December 1991.

recommendation of the Economic and Social Council,<sup>132</sup> the ten-year period beginning in 1993 as the Third Decade to Combat Racism and Racial Discrimination, and adopted the Programme of Action proposed for the Third Decade.<sup>133</sup> It also invited all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade. The General Assembly further requested the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, in the light of comments made by members of the Committee on the Elimination of Racial Discrimination and to publish and distribute the text as soon as possible.<sup>134</sup> In resolution 49/146 of 23 December 1994, the General Assembly adopted the revised Programme of Action for the Third Decade, and requested the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented.

### **Action against *apartheid***

287. In its resolutions concerning the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,<sup>135</sup> the General Assembly reaffirmed its conviction that *apartheid* was a crime against humanity and constituted a total negation of the purposes and principles of the Charter of the United Nations and a gross violation of human rights, seriously threatening international peace and security; the General Assembly appealed once again to those States that had not yet done so to ratify or to accede to the Convention without delay, in particular those States that had jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations could not be halted; the General Assembly also called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa.

288. So, in the same line as the previous period,<sup>136</sup> throughout a good part of the period under review, in fact until 1992, the General Assembly continued to condemn the policies and practices of *apartheid* of the racist régime of South Africa, in particular its brutal oppression, repression and genocidal violence against the South African people, the execution of patriots and captured freedom fighters in South Africa, and the repeated acts of aggression, subversion, terrorism and destabilization against independent African States;<sup>137</sup> the General Assembly also continued to urge Governments and the international sporting community to assist the non-racial sports

<sup>132</sup> See E S C resolution 1993/8 of 27 July 1993.

<sup>133</sup> G A resolution 48/91 of 20 December 1993.

<sup>134</sup> *Ibid.*, and G A resolution 49/146 of 23 December 1994.

<sup>135</sup> Specially G A resolutions 44/69 of 8 December 1989, 45/90 of 14 December 1990 and 46/84 of 16 December 1991.

<sup>136</sup> See *Supplement No. 7*, Article 55, paras. 182-184.

<sup>137</sup> See for example G A resolutions S-16/1 of 14 December 1989, 44/27 A, B, C and K of 22 November 1989, 45/176 A of 19 December 1990, 46/79 A of 13 December 1991 and 47/116 A of 18 December 1992.

movement in South Africa to redress the structural inequalities in sports that were among the legacies of *apartheid*.<sup>138</sup>

289. In 1993, the General Assembly noted that the transition to democracy had been enshrined in the law of South Africa, and decided that all provisions adopted by itself relating to prohibitions or restrictions on economic relations with South Africa and its nationals, whether corporate or natural, including in the areas of trade, investment, finance, travel and transportation, should cease to have effect, and requested all States to take appropriate measures within their jurisdiction to lift the restrictions and prohibitions they had imposed to implement the previous resolutions and decisions of the General Assembly.<sup>139</sup> The General Assembly also urged the South African authorities to exercise fully and impartially the primary responsibilities of government to bring to an end the ongoing violence, to protect the lives, security and property of all South Africans in all of South Africa and to promote and protect their right to demonstrate peacefully in public, to organize and participate in political rallies in all parts of South Africa and to run for election and participate in the elections without intimidation.<sup>140</sup>

290. In the same vein, the General Assembly demanded the immediate release of remaining political prisoners, and appealed to the international community to render all possible assistance to States neighbouring South Africa to enable them to recover from the effects of past acts of destabilization and to contribute to the stability and prosperity of the subregion.<sup>141</sup> The General Assembly also called upon the international community to continue to exercise vigilance with respect to developments in South Africa to ensure that the common objective of the people of South Africa and the international community was achieved, without deviation or obstruction, by the establishment of a united, non-racial and democratic South Africa.<sup>142</sup>

291. Important achievements during this period were the entry into force of South Africa's first non-racial and democratic constitution on 27 April 1994, the holding of one- person/one-vote elections from 26 to 29 April, the convening of South Africa's new parliament on 5 May and the installation on 10 May of its State President and the Government of National Unity. The General Assembly congratulated all South Africans and their political leaders on their success in bringing *apartheid* to an end and in laying, through broad-based negotiations, the foundations for a new, non-racial and democratic South Africa with equal and guaranteed rights for each and all. It welcomed South Africa back to the community of nations as represented in the General Assembly of the United Nations and called upon specialized agencies and related organizations of the United Nations system to take all necessary actions to re-establish full membership of South Africa.<sup>143</sup>

<sup>138</sup> See for example G A resolution 47/116 G of 18 December 1992. See also G A resolutions 48/159 A of 20 December 1993 and 48/233 of 21 January 1994.

<sup>139</sup> G A resolution 48/1 of 8 October 1993.

<sup>140</sup> G A resolution 48/159 A of 20 December 1993. See also G A resolution 48/233 of 21 January 1994.

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.* Concerning also the suppression and punishment of the crime of *apartheid*, see this study, below, para. 485.

<sup>143</sup> See G A resolution 48/258 A of 23 June 1994.

### **Protection against discrimination**

292. The equal protection of everyone by the law against any discrimination was examined by the Human Rights Committee at its thirty-seventh session (1989).<sup>144</sup> According to the Committee, the term “discrimination” used in the International Covenant on Civil and Political Rights should be understood to imply any distinction, exclusion, restriction or preference which was based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which had the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms. The enjoyment of rights and freedoms on an equal footing, however, did not mean identical treatment in every instance. The Committee wished to point out that the principle of equality sometimes required States parties to take affirmative action in order to diminish or eliminate conditions which caused or helped to perpetuate discrimination prohibited by the Covenant. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action might involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action was needed to correct discrimination in fact, it was a case of legitimate differentiation under the International Covenant on Civil and Political Rights. Finally, the Committee observed that not every differentiation of treatment would constitute discrimination, if the criteria for such differentiation were reasonable and objective and if the aim was to achieve a purpose which was legitimate under the Covenant.<sup>145</sup>

### **World Conference on Human Rights (Vienna 1993)**

293. The issue of racism, racial discrimination, xenophobia and other forms of intolerance including intolerance based on religion or belief has also been examined by the World Conference on Human Rights (Vienna 1993). The Vienna Declaration and Programme of Action affirms that the elimination of racism, racial discrimination, xenophobia and other forms of intolerance including intolerance based on religion and belief, is a primary objective for the international community and a worldwide promotion programme in the field of human rights. United Nations organs and agencies should strengthen their efforts to implement such a programme of action related to the Third Decade to Combat Racism and Racial Discrimination as well as subsequent mandates to the same end. States should take immediate measures and develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance including intolerance based on religion and belief, by enactment of appropriate legislation where necessary and establishment of national institutions to combat such phenomena. Perpetrators of those phenomena should be brought to justice and victims be entitled to appropriate and effective remedies.<sup>146</sup>

### **© Rights relating to the administration of justice**

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<sup>144</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General comment No. 18 : Non-discrimination, pp. 146-148.

<sup>145</sup> *Ibid.*

<sup>146</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 11.

294. During the period under review, the principal organs of the United Nations took decisions towards coordinated and concerted action in promoting respect for human rights in the administration of justice. New international instruments containing principles relating to the administration of justice were adopted, such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>147</sup> the Basic Principles for the Treatment of Prisoners,<sup>148</sup> the United Nations Guidelines for the Prevention of Juvenile delinquency (The Riyadh Guidelines),<sup>149</sup> the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.<sup>150</sup>

295. Throughout the period under review, the General Assembly on many occasions called attention to the numerous international standards in the field of the administration of justice, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice.<sup>151</sup> The General Assembly also appealed to Governments, *inter alia*, to include in their national development plans the administration of justice as an integral part of the development process, to spare no effort in providing for adequate financial resources to ensure more effective implementation of United Nations norms and standards on human rights in the administration of justice, and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights.<sup>152</sup> The General Assembly further acknowledged the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in that field.<sup>153</sup>

296. The Economic and Social Council also dealt with matters relating to the administration of justice. The Council adopted the procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary,<sup>154</sup> and also adopted the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials.<sup>155</sup> The Council called upon Member States that had not yet done so to apply the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),<sup>156</sup> and requested the Secretary-General as well as the relevant organizations of the United Nations system

<sup>147</sup> G A resolution 45/110 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 356.

<sup>148</sup> G A resolution 45/111 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 290.

<sup>149</sup> G A resolution 45/112 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 398.

<sup>150</sup> G A resolution 45/113 of 14 December 1990; ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 300.

<sup>151</sup> See for example G A resolutions 45/166 of 18 December 1990, 46/120 of 17 December 1991 and 48/137 of 20 December 1993.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> E S C resolution 1989/60 of 24 May 1989. The Basic Principles on the Independence of the Judiciary were adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and endorsed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985. See also ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 410.

<sup>155</sup> E S C resolution 1989/61 of 24 May 1989. The Code of Conduct for Law Enforcement Officials was adopted by the General Assembly in its resolution 34/169 of 17 December 1979. See also ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 346.

<sup>156</sup> See G A resolution 40/33 of 29 November 1985, in *Supplement No. 7*, Article 55, paras. 188-194. See also ST/HR/1/Rev. 6 (Vol. I/Part 1), p. 365.

to promote and apply the principles of the Beijing Rules in all activities and programmes of relevance to young persons.<sup>157</sup>

\* \* (d) Rights relating to privacy and to honour and reputation

(e) Freedom of movement and residence

297. During the period under review, the General Assembly analyzed the freedom of movement and residence in connection with the respect for the universal freedom of travel and the vital importance of family reunification. In its resolution 49/182 of 23 December 1994, the General Assembly called upon all States to ensure the universally recognized freedom of travel to all foreign nationals residing in their territory. It also reaffirmed that all Governments, particularly those of receiving countries, had to recognize the vital importance of family reunification and to promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants. It therefore called upon all States to discourage and reverse legislation that adversely effected the family reunification of those documented migrants.

(f) Right of asylum and related rights

298. During the period under review, the rights of asylum and related rights were examined in connection with the activities of the Office of the United Nations High Commissioner for Refugees, the question of internally displaced persons and the question of mass exoduses.

#### **Office of the United Nations High Commissioner for Refugees**

299. In its resolution 44/137 of 15 December 1989, the General Assembly strongly reaffirmed the fundamental nature of the function of the United Nations High Commissioner for Refugees to provide international protection and the need for States to co-operate fully with his Office in the fulfilment of that function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments. The General Assembly also condemned violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements, forced recruitment into armed forces and other forms of violence.<sup>158</sup>

300. In the same resolution,<sup>159</sup> the General Assembly endorsed the conclusions on durable solutions and refugee protection adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,<sup>160</sup> in which the Executive Committee recognized the need for the active promotion of solutions by the international community and by countries of origin, asylum and resettlement, in accordance with their respective obligations and responsibilities and the desirability of prevention through, *inter alia*, the observance of human rights, as the best solution. It also recognized the importance of attaining durable solutions to refugees problems

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<sup>157</sup> E S C resolution 1989/66 of 24 May 1989.

<sup>158</sup> See also G A resolutions 45/140 A of 14 December 1990 and 46/106 of 16 December 1991.

<sup>159</sup> G A resolution 44/137 of 15 December 1989.

<sup>160</sup> See A/44/12/Add. 1.

and, in particular, the need to address in that process the root causes of refugee movements in order to avert new flows of refugees and to facilitate the solution of existing problems. It further urged all States to support the Office of the High Commissioner in its search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation or return, with assistance to returnees as appropriate, and, whenever appropriate, through integration into countries of asylum or through resettlement in third countries.<sup>161</sup>

301. In its subsequent resolution,<sup>162</sup> the General Assembly called upon the High Commissioner to sustain his efforts in assuring greater inter-agency co-operation in responding to the needs of refugees and, in particular, in seeking to complement the humanitarian endeavours of the Office of the High Commissioner with development initiatives from specialized agencies so as to attain, in an effective and efficient manner, further and more concrete results towards achieving durable solutions, and called upon the member Governments to support those efforts in the governing bodies of those agencies.<sup>163</sup> The General Assembly also endorsed the conclusion on the note on international protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session,<sup>164</sup> in which, in particular, the Executive Committee recognized the importance of human rights and humanitarian principles and recognized that the current size and characteristics of the refugee and asylum problem necessitated appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities, and at the same time noted the difference between refugees and persons seeking to migrate for economic and related reasons.<sup>165</sup>

302. Thereafter, the General Assembly adopted resolutions in which it commended the High Commissioner for Refugees on the Guidelines on the Protection of Refugee Women;<sup>166</sup> welcomed the appointment of a Senior Coordinator for Refugee Children; also welcomed efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of the mandates and expertise of other relevant organizations; commended the close co-operation between the High Commissioner and the representative of the Secretary-General on internally displaced persons in the exercise of his mandate, and recognized the importance of their close co-operation, and of co-operation with the International Committee of the Red Cross, with respect to prevention, protection, humanitarian assistance and solutions.<sup>167</sup>

303. The General Assembly also reaffirmed the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed countries, in view of the impact on

<sup>161</sup> See also E S C resolution 1990/78 of 27 July 1990.

<sup>162</sup> G A resolution 45/140 A of 14 December 1990.

<sup>163</sup> See also G A resolution 46/106 of 16 December 1991.

<sup>164</sup> See A/45/12/Add. 1, para. 21.

<sup>165</sup> G A resolution 45/140 A of 14 December 1990.

<sup>166</sup> See document EC/SCP/67, annex, of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

<sup>167</sup> See G A resolutions 46/106 of 16 December 1991, 47/105 of 16 December 1992 and 49/169 of 23 December 1994.

the environment of the large numbers of refugees and displaced persons of concern to the High Commissioner.<sup>168</sup> It expressed deep concern at conditions in a number of countries and regions that seriously endangered the delivery of humanitarian assistance and the security of the staff of the High Commissioner and other relief workers, deplored the recent loss of lives among personnel involved in humanitarian operations, urged support for initiatives taken by the High Commissioner and within the General Assembly and the Security Council concerning the safety of United Nations and associated personnel, in particular the consideration of new measures to enhance the safety of such personnel, and called upon States and all parties to conflicts to take all necessary measures to ensure safe and timely access for humanitarian assistance and the security of international and local staff undertaking humanitarian work in the countries concerned.<sup>169</sup> The General Assembly further noted the relationship between safeguarding human rights and preventing refugee problems, and reiterated its support for the High Commissioner's efforts to increase co-operation between the High Commissioner and the Commission on Human Rights, the Centre for Human Rights of the Secretariat and other relevant international bodies and organizations.<sup>170</sup>

304. Concerning assistance to unaccompanied refugee minors, the General Assembly noted that unaccompanied minors were among the most vulnerable refugees and required special assistance and care; the General Assembly expressed its deep concern at the plight of those children and condemned all acts of exploitation of them, including their use as soldiers or human shields in armed conflict and their recruitment in military forces, and any other acts that endangered their safety and personal security; it also requested the Office of the High Commissioner and other United Nations organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of those children and for their reunification with their families.<sup>171</sup>

### **Internally displaced persons**

305. During the period under review, the General Assembly continued to be deeply disturbed by the large number of internally displaced persons throughout the world and by the serious problem that was creating for the international community. The Assembly welcomed the initiative of the Commission on Human Rights on that question, in particular its resolution 1992/73 of 5 March 1992 by which the Commission requested the Secretary-General to appoint a representative to study the human rights issues related to internally displaced persons, and Commission resolution 1993/95 of 11 March 1993 by which it requested the Secretary-General to mandate his representative for two years to continue his work aimed at a better understanding of the problems faced by internally displaced persons and their possible long-term solutions.<sup>172</sup> The General Assembly also encouraged the representative, through dialogue with Governments, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms. It further invited the

<sup>168</sup> G A resolutions 48/116 of 20 December 1993 and 49/169 of 23 December 1994.

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*

<sup>171</sup> G A resolution 49/172 of 23 December 1994.

<sup>172</sup> See G A resolution 48/135 of 20 December 1993.



representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection of and assistance to internally displaced persons. The Assembly urged all concerned United Nations agencies and organizations to support the representative in the implementation of his programme of activities, and all Governments to continue to facilitate the work of the representative including by inviting him to visit their countries so as to enable him to study and analyse more fully the issues involved.<sup>173</sup>

### **Human rights and mass exoduses**

306. Regarding human rights and mass exoduses, the General Assembly noted the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of those refugees and displaced persons.<sup>174</sup> The General Assembly also noted that human rights violations were one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on that subject<sup>175</sup> and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees.<sup>176</sup> In this light, the General Assembly invited all Governments and intergovernmental and humanitarian organizations concerned to address the serious problems resulting from mass exoduses, to eliminate the causes of such exoduses and to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as that would contribute to averting new massive flows of refugees and displaced persons.<sup>177</sup> The General Assembly also took note of the establishment by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the Working Group on Solutions and Protection.<sup>178</sup>

307. In its subsequent resolutions on the same question, the General Assembly welcomed the establishment by the Administrative Committee on Coordination of a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies and the development of collective recommendations for action to alleviate, *inter alia*, the possible causes of new flows of refugees and displaced persons.<sup>179</sup> The General Assembly also welcomed the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation and, in this regard, urged that Department to take the necessary steps to function effectively as needed.<sup>180</sup>

308. Finally, throughout the period under review, the General Assembly continued to invite the Commission on Human Rights to keep the question of human rights and

<sup>173</sup> See G A resolution 48/135 of 20 December 1993.

<sup>174</sup> See for example G A resolutions 44/164 of 15 December 1989 and 45/153 of 18 December 1990.

<sup>175</sup> E/CN.4/1503.

<sup>176</sup> A/41/324, annex.

<sup>177</sup> G A resolutions 44/164 of 15 December 1989 and 45/153 of 18 December 1990.

<sup>178</sup> G A resolution 45/153 of 18 December 1990.

<sup>179</sup> G A resolutions 46/127 of 17 December 1991 and 48/139 of 20 December 1993.

<sup>180</sup> G A resolution 48/139 of 20 December 1993.

mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new mass flows of refugees and displaced persons.<sup>181</sup> It also continued to invite the Secretary-General to keep it informed of his early-warning activities, especially in the areas of human rights and humanitarian assistance, as well as of any further developments relating to the international co-operation to avert new flows of refugees.<sup>182</sup>

\* \* (g) The right to a nationality

(h) Rights relating to marriage and family<sup>183</sup>

309. As in the previous *Supplement*,<sup>184</sup> the Human Rights Committee examined the term “family” in connection with the rights relating to marriage and family.<sup>185</sup> At its thirty-ninth session (1990), the Committee noted that the concept of the family used in the International Covenant on Civil and political Rights might differ in some respects from State to State, and even from region to region within a State, and that it was therefore not possible to give the concept a standard definition. However, the Committee emphasized that, when a group of persons was regarded as a family under the legislation and practice of a State, that group had to be given the protection referred to in article 23 of the Covenant. Ensuring that protection required that States parties should adopt legislative, administrative and other measures, and those measures had to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

310. With regard to equality as to marriage, the Committee wished to note in particular that no sex-based discrimination should occur in respect of the acquisition or loss of nationality by reason of marriage. Likewise, the right of each spouse to retain the use of his or her original family name or to participate on an equal basis in the choice of a new family name should be safeguarded.

311. During the marriage, the spouses should have equal rights and responsibilities in the family. That equality extended to all matters arising from their relationship, such as choice of residence, running of the household, education of the children and administration of assets. Such equality continued to be applicable to arrangements regarding legal separation or dissolution of the marriage.

312. Thus, according to the Committee, any discriminatory treatment in regard to the grounds and procedures for separation or divorce, child custody, maintenance or alimony, visiting rights or the loss or recovery of parental authority had to be prohibited, bearing in mind the paramount interest of the children in this connection.<sup>186</sup>

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<sup>181</sup> See G A resolutions 44/164 of 15 December 1989, 45/153 of 18 December 1990, 46/127 of 17 December 1991 and 48/139 of 20 December 1993.

<sup>182</sup> *Ibid.*

<sup>183</sup> See also this study, below, section g), para. 575 and section h), para. 584.

<sup>184</sup> See *Supplement No. 7*, Article 55, para. 217.

<sup>185</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General comment No. 19: The family (article 23 of the Covenant), pp. 149-150.

<sup>186</sup> *Ibid.*

313. The issue of equality in marriage and family relations has also been examined by the Committee on the Elimination of Discrimination Against Women at its thirteenth session (1994).<sup>187</sup> The Committee noted, on the basis of its examination of initial and subsequent periodic reports, that in some States parties to the Convention on the Elimination of All forms of Discrimination against Women, certain laws, especially those dealing with the family, did not actually conform to the provisions of the Convention. Those laws still contained many measures which discriminate against women based on norms, customs and sociocultural prejudices. Those States, because of their specific situation regarding respect for the Convention, made it difficult for the Committee to evaluate and understand the status of women. The Committee, therefore, requested that those States parties made the necessary efforts to examine the *de facto* situation relating to the matters and to introduce the required measures in their national legislations still containing provisions discriminatory to women.

(i) The right to own property

314. The right to own property was explored by the General Assembly during the period under review, including especially the relationship between this right and economic and social development, as well as the link between this right and the development of individual liberty and initiative.

315. In this regard, the General Assembly took note of the report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States,<sup>188</sup> and recognized that there existed in Member States many forms of legal property ownership, including private, communal, social and state forms, each of which should contribute to ensuring effective development and utilization of human resources by establishing sound bases for political, economic and social justice. The General Assembly urged States, in accordance with their respective constitutional systems and the Universal Declaration of Human Rights, to provide, where they had not done so, adequate constitutional and legal provisions to protect the right to own property and the right not to be arbitrarily deprived of one's property. It also requested the Commission on Human Rights, while addressing the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to consider the means whereby and the degree to which respect for the right contributed to the development of individual liberty and initiative, which served to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms.<sup>189</sup>

(j) Freedom of thought, conscience and religion

316. During the period under review, the General Assembly explored the freedom of thought, conscience and religion in connection with the elimination of all forms of religious intolerance. For example, in its resolutions 44/131 of 15 December 1989 and 45/136 of 14 December 1990, the General Assembly noted that the Commission on

<sup>187</sup> See HRI/GEN/1/Rev. 7, Committee on the Elimination of Discrimination against Women, General recommendation No. 21 : Equality in marriage and family relations, pp. 253-262.

<sup>188</sup> See A/45/523. See also *Supplement No. 7*, Article 55, paras. 218-219.

<sup>189</sup> G A resolution 45/98 of 14 December 1990.

Human Rights intended to consider the question of drafting a binding international instrument on freedom of religion or belief, and emphasized, in this connection, the relevance of General Assembly resolution 41/120 of 4 December 1986, entitled "Setting international standards in the field of human rights".<sup>190</sup> The General Assembly also requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief<sup>191</sup> and to report to the General Assembly through the Economic and Social Council.<sup>192</sup>

317. In resolution 46/131 of 17 December 1991,<sup>193</sup> the General Assembly reaffirmed that freedom of thought, conscience, religion and belief was a right guaranteed to all without discrimination, and urged States, in accordance with their respective constitutional systems and with international instruments, to provide, where they had not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there was intolerance or discrimination based on religion or belief. The General Assembly also urged States to examine where necessary the supervision and training of members of law enforcement bodies, civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and did not discriminate against persons professing other religions or beliefs. The General Assembly further called upon all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines were fully respected and protected.<sup>194</sup>

318. In the same vein, the General Assembly encouraged the continuing efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that were incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate. It also encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively.<sup>195</sup>

319. Freedom of thought, conscience or religion has been examined by the Human Rights Committee at its forty-eighth session (1993).<sup>196</sup> The Committee drew the attention of States parties to the International Covenant on Civil and Political Rights to the fact that the freedom of thought and the freedom of conscience were protected equally with the freedom of religion and belief. The fundamental character of those rights was also reflected in the fact that that provision could not be derogated from, even in time of public emergency, as stated in article 4.2 of the Covenant. According to the Committee, in its article 18 the Covenant protected theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms

<sup>190</sup> For G A resolution 41/120 of 4 December 1986, see *Supplement No. 7*, article 55, paras. 138 and 139. See also this study, above, para. 232.

<sup>191</sup> G A resolution 36/55 of 25 November 1981.

<sup>192</sup> G A resolutions 44/131 of 15 December 1989 and 45/136 of 14 December 1990.

<sup>193</sup> See also G A resolutions 47/129 of 18 December 1992, 48/128 of 20 December 1993 and 49/188 of 23 December 1994.

<sup>194</sup> G A resolutions 46/131 of 17 December 1991, 47/129 of 18 December 1992, 48/128 of 20 December 1993 and 49/188 of 23 December 1994.

<sup>195</sup> *Ibid.*

<sup>196</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General comment No. 22 : Freedom of thought, conscience or religion (article 18 of the Covenant), pp. 155-158.

“belief” and “religion” were to be broadly construed, and article 18 was not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The freedom to manifest religion or belief might be exercised either individually or in community with others and in public or in private.

320. The Committee was also of the view that article 18 permitted public school instruction in subjects such as the general history of religions and ethics if it was given in a neutral and objective way. No manifestation of religion or belief might amount to propaganda for war or advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence. Restrictions on the freedom to manifest religion or belief were only permitted if limitations were prescribed by law and were necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. The fact that a religion was recognized as a State religion or that it was established as official or traditional or that its followers comprised the majority of the population, should not result in any impairment of the enjoyment of any of the rights under the Covenant, nor in any discrimination against adherents to other religions or non-believers. Many individuals had claimed the right to refuse to perform military service (conscientious objection) on the basis that such right derived from their freedoms under article 18; the Covenant did not explicitly refer to a right to conscientious objection, but the Committee believed that such a right could be derived from article 18, inasmuch as the obligation to use lethal force might seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief.<sup>197</sup>

\* \* (k) Freedom of expression

(l) Freedom of peaceful assembly and association

321. During the period under review, the right to work was examined in connection with the infringements of trade union rights in South Africa. In its resolution 1989/82 of 24 May 1989, the Economic and Social Council stated that it had examined the relevant section of the report of the *Ad hoc* Working Group of Experts on Southern Africa of the Commission on Human Rights,<sup>198</sup> and had noted that dehumanizing conditions imposed on black workers by the Government of South Africa and police intervention in industrial disputes, including mass arrests, banning and harassment of trade unions, continued. Consequently, the Council condemned the increased repression of the independent black trade union movement by the Government of South Africa, demanded once again that the persecution of the movement ceased, also demanded the immediate unconditional release of all trade unionists imprisoned, and requested once again immediate recognition of the right of the entire population of South Africa to exercise freedom of association and to form and join trade unions without impediment or discrimination of any kind. The Council requested the *Ad Hoc* Working Group of Experts to continue to study the situation, in consultation with the International Labour Organization, the Special Committee against *Apartheid* as well as international and African trade union confederations, and to report thereon to the Commission on Human Rights and the Council.<sup>199</sup>

<sup>197</sup> HRI/GEN/1/Rev. 7, pp. 155-158.

<sup>198</sup> See E/1989/53, annex.

<sup>199</sup> E S C resolution 1989/82 of 24 May 1989. See also E S C resolution 1990/44 of 25 May 1990.

322. In resolution 1991/37 of 31 May 1991, the Council regretted that the *apartheid* regime in South Africa had placed some conditions on its decision to agree that the allegations made by the Congress of South African Trade Unions should be referred to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organization, and invited it to co-operate fully in the matter. The Council decided to transmit to the Commission, through the Governing Body of the International Labour Office, the allegations of infringement of trade union rights made by the Congress of South African Trade Unions in May 1988. The Council demanded once again the unimpeded exercise of trade union rights, the immediate unconditional release of all trade unionists imprisoned and the cessation of the persecution and repression of the independent black trade union movement. It continued to request the *Ad hoc* Working Group of Experts to continue to study the situation, in consultation with the international Labour Organization, the Special Committee against *Apartheid* as well as international and African trade union confederations, and to report thereon to the Commission on Human Rights and the Council.<sup>200</sup>

323. Finally, the Council took note of the findings, conclusions and recommendations contained in the report of the Fact-finding and Conciliation Commission on Freedom of Association in South Africa, and requested the Secretary-General to invite the Government of this country to report, no later than 31 December 1992, on the measures it had taken to give effect to those recommendations, and thereafter, at yearly intervals until the Council was satisfied that the recommendations had been implemented. The Council also requested the Secretary-General to refer the reports of the Government of South Africa on that matter to the International Labour Office, with the request that the latter transmitted to the Council its advice and comments stemming from examination of the reports. The Council further noted the request of the Government of South Africa that the International Labour Office should provide to it and to labour and management organizations of the country technical assistance and advice in respect of the recasting of the country's labour laws, and invited the International Labour Office to comply with that request and to inform the Council of actions taken in this regard in the context of an annual report to the United Nations.<sup>201</sup>

(m) The right to take part in the government, the right to access to public service and rights relating to the will of the people

324. In conformity with its previous practice,<sup>202</sup> the General Assembly continued to express views on matters related to the right to take part in the government, the right to access to public service and the rights relating to the will of the people. The General Assembly explored in that regard questions in relation to periodic and genuine elections and questions dealing with electoral processes. For example, at its forty-fourth session, the General Assembly adopted resolution 44/146 of 15 December 1989 in which it reaffirmed the Universal Declaration of Human Rights, which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right

<sup>200</sup> E S C resolution 1991/37 of 31 May 1991.

<sup>201</sup> See E S C resolution 1992/12 of 20 July 1992.

<sup>202</sup> See *Supplement No. 7*, Article 55, paras. 225 and 226.

of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. The General Assembly again condemned the system of *apartheid* and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It also rejected the tricameral parliament established under the system of *apartheid* as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system.

325. By the same resolution, the General Assembly expressed its conviction that periodic and genuine elections were a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country was a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, including political, economic, social and cultural rights.<sup>203</sup> It also declared that determining the will of the people required an electoral process which accommodated distinct alternatives and that that process should provide an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others.<sup>204</sup>

326. In its subsequent resolution,<sup>205</sup> the General Assembly affirmed the value of the electoral assistance that the United Nations had provided at the request of Member States, in the context of full respect for their sovereignty, and believed that the international community should continue to give serious consideration to ways in which the United Nations could respond to the requests of Member States as they sought to promote and strengthen their electoral institutions and procedures.<sup>206</sup> It also requested the Secretary-General to seek the views of Member States, specialized agencies, other competent bodies of the United Nations system and those with specific expertise in that area concerning suitable approaches that would permit the Organization to respond to the requests of Member States for election assistance.<sup>207</sup>

327. Afterward, the General Assembly endorsed the view of the Secretary-General that he should designate a senior official in the Office of the Secretary-General to act as a focal point, in addition to existing duties and in order to ensure consistency in the handling of requests of Member States organizing elections, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and

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<sup>203</sup> G A resolution 44/146 of 15 December 1989.

<sup>204</sup> *Ibid.*

<sup>205</sup> G A resolution 45/150 of 18 December 1990.

<sup>206</sup> For example, in its resolution 47/114 of 16 December 1992, the General Assembly decided to authorize the Secretary-General to establish the United Nations Observer Mission to Verify the Referendum in Eritrea.

<sup>207</sup> G A resolution 45/150 of 18 December 1990. See also G A resolution 46/137 of 17 December 1991.

other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts, and requested the Secretary-General to designate such an official to take on those tasks. The General Assembly also determined that that designation would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance nor prejudice the operational arrangements for missions that the Organization might decide to undertake. It further requested the Secretary-General to establish, in accordance with United Nations financial regulations, a voluntary trust fund for cases where the requesting Member States was unable to finance, in whole or in part, the electoral verification mission and to propose guidelines for disbursements therefrom.<sup>208</sup>

328. In resolution 47/138 of 18 December 1992, the General Assembly noted the increase in requests for electoral assistance by Member States, and took note of the decision of the Secretary-General to establish the Electoral Assistance Unit within the Secretariat.

329. In its subsequent resolutions,<sup>209</sup> the General Assembly requested that the United Nations attempted to ensure, before undertaking to provide electoral assistance to a requesting State, that there was adequate time to organize and carry out an effective mission for providing such assistance, that conditions existed to allow a free and fair election and that provisions could be made for adequate and comprehensive reporting of the results of the mission. It commended the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain States requesting assistance, including the provision of assistance before and after elections had taken place and needs-assessment missions aimed at recommending programmes which might contribute to the consolidation of the democratization process, and requested that such efforts be strengthened. It also recommended that the Electoral Assistance Division studied, in co-operation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation which the Organization might usefully undertake in assisting the efforts of interested States in this regard. The General Assembly further recommended that the Secretary-General considered ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Centre for Human Rights and the United Nations system in general to respond to their mandate in the field of electoral assistance and democratization.<sup>210</sup>

330. Concerning the respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly urged all States to respect those principles and to abstain from financing or providing, directly or indirectly, any other form of covert support for political parties or groups and from taking actions to undermine the electoral processes in any country.<sup>211</sup> It also reaffirmed that it was the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national

<sup>208</sup> G A resolution 46/137 of 17 December 1991.

<sup>209</sup> See G A resolutions 48/131 of 20 December 1993 and 49/190 of 23 December 1994.

<sup>210</sup> *Ibid.*

<sup>211</sup> G A resolutions 44/147 of 15 December 1989, 45/151 of 18 December 1990, 46/130 of 17 December 1991, 47/131 of 18 December 1992, 48/124 of 20 December 1993 and 49/180 of 23 December 1994.



legislation, and that, consequently, States should establish the necessary mechanisms and means to guarantee full popular participation in those processes. The General Assembly urged all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social systems. It further called upon the Commission on Human Rights to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes, and to report to the General Assembly through the Economic and Social Council.<sup>212</sup>

(ii) Economic, social and cultural rights

\* \* (a) Rights relating to work

(b) Rights relating to the standard of living and social security

331. With respect to the rights relating to the standard of living and social security, the principal organs of the United Nations took certain resolutions concerning the right to adequate housing.

332. During the period under review, the General Assembly recalled its resolution 43/181 of 20 December 1988, in which it designated the Commission on Human Settlements as the United Nations intergovernmental body responsible for co-ordinating, evaluating and monitoring the Global Strategy for Shelter to the Year 2000,<sup>213</sup> the core of which consisted of integrated national shelter strategies.<sup>214</sup> The General Assembly recognized that the Global Strategy provided a framework for Governments to facilitate adequate shelter for all and that, through shelter and services, the Global Strategy also addressed the issues of alleviation of poverty, improvement of health, participation of women, improvement of the living environment of people and promotion of sustainable development.<sup>215</sup>

333. In this light, the General Assembly urged those Governments which had not already initiated action towards formulation of a national shelter strategy based on the enabling principles, or had taken only tentative steps so far, to increase their efforts, using the Guidelines for National Action contained in the Global Strategy, involving governmental, private sector and non-governmental actors in the shelter sector, assuring the participation of men and women and paying special attention to gender issues, in the formulation, implementation and monitoring of national shelter strategies in order to achieve the objective of facilitating shelter for all by the year 2000.<sup>216</sup>

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<sup>212</sup> G A resolutions 44/147 of 15 December 1989, 45/151 of 18 December 1990, 46/130 of 17 December 1991, 47/131 of 18 December 1992, 48/124 of 20 December 1993 and 49/180 of 23 December 1994.

<sup>213</sup> A/43/8/Add. 1. See also Commission on Human Settlements resolution 14/6 of 5 May 1993 entitled "The human right to adequate housing".

<sup>214</sup> See for example G A resolutions 44/173 of 19 December 1989 and 46/163 of 19 December 1991.

<sup>215</sup> G A resolution 46/163 of 19 December 1991.

<sup>216</sup> *Ibid.*

334. The General Assembly also noted the recognition of the renewed commitment to the Global Strategy expressed in Agenda 21, adopted by the United Nations Conference on Environment and Development,<sup>217</sup> and urged Governments to integrate fully the environmental dimension in the formulation and implementation of national shelter strategies, taking into account the relevant components of Agenda 21.<sup>218</sup> It urged the international community to strengthen its support for national efforts to formulate and implement enabling shelter strategies in developing countries, as recommended in Agenda 21.<sup>219</sup> It further urged the organizations of the United Nations system, particularly the United Nations Habitat and Human Settlements Foundation, the United Nations Development Programme, and other multilateral and bilateral agencies to provide, on the basis of an approach consistent with the Global Strategy, increased financial and other support to Governments for the implementation of the Plans of Action of the Global Strategy.<sup>220</sup>

335. Furthermore, the right to adequate housing has been examined by the Committee on Economic, Social and Cultural Rights at its sixth session (1991).<sup>221</sup> According to the Committee, that right should not be interpreted in a narrow or restrictive sense which equated it with, for example, the shelter provided by merely having a roof over one's head or viewed shelter exclusively as a commodity. That right included a number of factors, social, economic, cultural, climatic, ecological and others, which had to be taken into account in determining whether particular forms of shelter could be considered to constitute "adequate housing" for the purpose of the Covenant. Those factors included : (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; (g) cultural adequacy.

336. According to the Committee, moreover, that right could not be viewed in isolation from other human rights contained in the two International Covenants and other applicable international instruments. Regardless of the state of development of any country, States parties had to take certain steps immediately to promote that right, and priority had to be given to those social groups living in unfavourable conditions. Measures designed to satisfy a State party's obligations might reflect whatever mix of public and private sector measures considered appropriate. Many of those measures would involve resources allocations and policy initiatives of a general kind, including legislative and administrative measures, and the Global Strategy for Shelter had drawn attention to the types of measures that might be taken in this regard and to their importance.

337. Finally, the Committee affirmed "the essential importance of international co-operation based on free consent" which had been recognized by States parties for the promotion of that right, and called upon those States parties, both recipients and providers, to ensure that a substantial proportion of financing was devoted to creating conditions leading to a higher number of persons being adequately housed. In this

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<sup>217</sup> *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev. 1 – Vol. I and Vol. I/Corr. 1, Vol. II, Vol. III and Vol. III/Corr. 1).*

<sup>218</sup> G A resolution 48/178 of 21 December 1993.

<sup>219</sup> *Ibid.*

<sup>220</sup> G A resolutions 46/163 of 19 December 1991 and 48/178 of 21 December 1993.

<sup>221</sup> See HRI/GEN/1/Rev. 7, Committee on Economic, Social and Cultural Rights, General comment No. 4 : The right to adequate housing (article 11, para. 1 of the Covenant), pp. 19-24.

context, international financial institutions promoting measures of structural adjustment should ensure that such measures did not compromise the enjoyment of the right to adequate housing; States parties also should, when contemplating international financial co-operation, seek to indicate areas relevant to that right where external financing would have the most effect; such requests should take full account of the needs and views of the affected groups.<sup>222</sup>

\* \* © Rights relating to motherhood and childhood

(d) Right to health

338. During the period under review, the right to health was examined by the General Assembly in the context of the protection of persons with mental illness, as well as of the prevention and control of acquired immunodeficiency syndrome (AIDS).

339. In its resolution 46/119 of 17 December 1991, the General Assembly adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care. There are twenty-five Principles, which begin with their scope, the general limitation clause of their exercise, and the definition of terms used in the text, namely the terms “counsel”, “independent authority”, “mental health care”, “mental health facility”, “mental health practitioner”, “patient”, “personal representative”, and “review body”. The twenty-five Principles are : fundamental freedoms and basic rights (principle 1); protection of minors (principle 2); life in the community (principle 3); determination of mental illness (principle 4); medical examination (principle 5); confidentiality (principle 6); role of community and culture (principle 7); standards of care (principle 8); treatment (principle 9); medication (principle 10); consent to treatment (principle 11); notice of rights (principle 12); rights and conditions in mental health facilities (principle 13); resources for mental health facilities (principle 14); admission principles (principle 15); involuntary admission (principle 16); review body (principle 17); procedural safeguards (principle 18); access to information (principle 19); criminal offenders (principle 20); complaints (principle 21); monitoring and remedies (principle 22); implementation (principle 23); scope of principles relating to mental health facilities (principle 24); and saving of existing rights (principle 25).

340. With regard to the prevention and control of acquired immunodeficiency syndrome (AIDS), in its resolution 46/203 of 20 December 1991, the General Assembly emphasized the need to counter discrimination and to respect the human rights and dignity of all persons, including those affected by human immunodeficiency virus (HIV) and AIDS, their families and those with whom they lived, and noted the relevant work carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the results of the International Consultation on AIDS and Human Rights, organized by the Centre for Human Rights of the Secretariat at Geneva from 26 to 28 July 1989. The General Assembly also recognized that discriminatory measures related, *inter alia*, to quarantine, mandatory testing and coercive and/or restrictive policies dealing with travel and freedom of movement, including transfrontier movement, more often drove the disease

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<sup>222</sup> See HRI/GEN/1/Rev. 7, pp. 19-24.

underground, where it was more difficult to combat, but did not stop its spread. Consequently, the General Assembly urged Member States and, where appropriate, intergovernmental organizations to protect the human rights and dignity of HIV infected persons, persons with AIDS and members of particular population groups and to avoid discriminatory action against and stigmatization of them in the provision of, *inter alia*, care and services.<sup>223</sup> It also called upon the scientific community to continue to undertake the necessary research into social and behavioural aspects of HIV transmission and to develop the vaccines and pharmaceuticals that would provide effective means of prevention or therapy, and encouraged it to make its findings available as soon as possible.<sup>224</sup>

341. On the same matter, the Economic and Social Council urged Governments, intergovernmental and non-governmental organizations, relevant organizations of the United Nations system and the Secretary-General, to continue to coordinate their efforts with the World Health Organization in implementing the global strategy for the prevention and control of AIDS, as well as to develop relevant activities to support national programmes on the AIDS pandemic.<sup>225</sup> In resolution 1993/51 of 29 July 1993, the Council supported fully World Health Assembly resolution WHA 46.37 of 14 May 1993, in which the Director-General of the World Health Organization was requested to study, in close collaboration with all organizations and bodies of the United Nations system concerned, the feasibility and practicability of establishing a joint and cosponsored United Nations programme on HIV and AIDS and to develop options for such a programme.

#### (e) Right to education

342. During the period under review, the General Assembly examined the right to education in connection with the International Literacy Year, 1990. In its resolution 44/127 of 15 December 1989, the General Assembly noted with satisfaction the work done by the United Nations Educational, Scientific and Cultural Organization to ensure adequate preparation for International Literacy Year, for example the convening of the World Conference on Education for All, to be held in Thailand in March 1990 under the joint sponsorship of the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the World Bank. The General Assembly invited Governments that had not yet done so to establish a programme of measures for enhancing literacy and functional literacy for the period up to the year 2000 along the lines of the Plan of Action for the Eradication of Illiteracy by the Year 2000 of the United Nations Educational, Scientific and Cultural Organization.<sup>226</sup> It appealed to Governments, economic and financial organizations and institutions, both national and international, to lend financial and material support to local, national and regional initiatives to promote literacy.<sup>227</sup>

#### \* \* (f) Rights relating to cultural life, the arts and scientific advancement

<sup>223</sup> G A resolution 46/203 of 20 December 1991.

<sup>224</sup> *Ibid.*

<sup>225</sup> See E S C resolutions 1990/86 of 17 July 1990 and 1991/66 of 26 July 1991.

<sup>226</sup> G A resolution 44/127 of 15 December 1989.

<sup>227</sup> *Ibid.*

(iii) Rights of specific groups and individuals

(a) Women's rights

343. According to the provisions of the Universal Declaration of Human Rights,<sup>228</sup> the Convention on the Elimination of All Forms of Discrimination against Women<sup>229</sup> and other international instruments on human rights, the principal organs of the United Nations continued to take decisions concerning the rights of women, particularly with regard to the role of women in society, the advancement of the status of women, the violence against migrant women workers, the violence against women in general, the traffic in women and girls, and the enlargement of the Commission on the Status of Women. The human rights of women were also examined by the World Conference on Human Rights (Vienna 1993).

**Role of women in society**

344. With regard to the role of women in society, the General Assembly continued as in the past to recall the Convention on the Elimination of All Forms of Discrimination against Women, and to affirm that women and men should participate equally in social, economic and political development, should contribute equally to such development and should share equally in improved conditions of life.<sup>230</sup>

**Advancement of the status of women**

345. With respect to the advancement of the status of women, and in connection with the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, the General Assembly reaffirmed the urgent need for the Forward-looking Strategies to be translated immediately into concrete action by Governments, within the framework of overall national priorities, as well as by the organizations and bodies of the United Nations system, the specialized agencies and intergovernmental and non-governmental organizations.<sup>231</sup> It also reaffirmed the central role of the Commission on the Status of Women in matters related to the advancement of women, and called upon the Commission to promote the implementation of the Forward-looking Strategies to the year 2000 based on the goals of the United Nations Decade for Women : Equality, Development and Peace and the subtheme "Employment, Health and Education", and urged all organizations of the United Nations system to co-operate effectively with the Commission in that task. The General Assembly emphasized the need to give urgent attention to redressing socio-economic inequities at the national and international levels as a necessary step towards the full realization of the goals and objectives of the Forward-looking Strategies.<sup>232</sup> It requested the Secretary-General, in formulating the system-wide medium-term plan for the advancement of women for the period 1996-2001, and in

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<sup>228</sup> G A resolution 217 A (III) of 10 December 1948.

<sup>229</sup> G A resolution 34/180 of 18 December 1979.

<sup>230</sup> G A resolution 44/73 of 8 December 1989.

<sup>231</sup> G A resolutions 44/77 of 8 December 1989 and 45/129 of 14 December 1990. See also G A resolution 47/95 of 16 December 1992.

<sup>232</sup> *Ibid.*

integrating the Forward-looking Strategies into activities mandated by the General Assembly, to pay particular attention to the strengthening of national machineries for the advancement of women and to specific sectoral themes that cut across the three objectives, equality, development and peace, and include, in particular, literacy, education, health, population, the impact of technology on the environment and its effect on women and the full participation of women in decision-making. It also requested Governments, when presenting candidatures for vacancies in the Secretariat, in particular at the decision-making level, to give priority to women's candidatures when the required qualifications existed, and requested the Secretary-General in reviewing those candidatures to give special consideration to candidates from underrepresented and unrepresented countries.<sup>233</sup> It further urged Member States to eliminate *de jure* and *de facto* barriers to schooling for women of all ages, and to accelerate the participation of women in literacy programmes, particularly in areas pertaining to the improvement of their socio-economic condition, including legal literacy and income-generating and skill-building activities.<sup>234</sup>

### **Violence against migrant women workers**

346. Concerning violence against migrant women workers, the General Assembly recognized that poverty, unemployment and other socio-economic situations in their home countries led people, including women, to seek employment in other countries, and noted with concern the mounting reports of grave abuses and acts of violence committed against the person of women migrant workers by some of their employers in some host countries. Therefore, the General Assembly called upon all countries, particularly the sending and receiving countries, to co-operate with each other in taking appropriate steps to ensure that the rights of women migrant were protected. It also called upon the countries concerned to take appropriate measures to ensure that law-enforcement officials and the judiciary assisted in guaranteeing the full protection of the rights of women migrant workers, as well as the trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights.<sup>235</sup>

### **Violence against women**

347. As regards violence against women in general, the General Assembly in resolution 48/104 of 20 December 1993 proclaimed the Declaration on the Elimination of Violence against Women. The Declaration defines the term "violence against women" as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

348. According to the Declaration, violence against women shall be understood to encompass, but not be limited to, physical, sexual and psychological violence occurring in the family, within the general community and perpetrated or condoned by

<sup>233</sup> G A resolutions 44/77 of 8 December 1989, 45/125 of 14 December 1990, 45/129 of 14 December 1990, 47/95 of 16 December 1992, 48/108 of 20 December 1993 and 49/161 of 23 December 1994.

<sup>234</sup> G A resolution 45/126 of 14 December 1990.

<sup>235</sup> G A resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993 and 49/165 of 23 December 1994.

the State, whenever it occurs. Women have equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil or any other field, including *inter alia* the right to life, the right to equality, the right to liberty and security of person, the right to equal protection under the law, the right to be free from all forms of discrimination, the right to the highest standard attainable of physical and mental health, the right to just and favourable conditions of work, the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

349. The Declaration also affirms that States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women, and the organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and principles set forth in the Declaration.

350. In its resolution 49/161 of 23 December 1994, the General Assembly recognized that the Declaration on the Elimination of Violence against Women was essential to the attainment of full respect for the rights of women and was an important contribution to efforts aimed at achieving the objectives of the Forward-looking Strategies by the year 2000.

351. The issue of violence against women has also been examined by the Committee on the Elimination of Discrimination against Women at its eighth session (1989),<sup>236</sup> ninth session (1990)<sup>237</sup> and eleventh session (1992).<sup>238</sup> In its general recommendations No. 12 (violence against women), No. 14 (female circumcision) and No. 19 (violence against women), the Committee took into account the Convention on the Elimination of All Forms of Discrimination against Women and recommended to States parties to include in their reports information on violence of any kind occurring against women within the family, at the workplace or in any other area of social life, and on measures introduced to deal with that violence; the Committee also recommended to States parties to take appropriate and effective measures with a view to eradicating the practice of female circumcision, and to include in their reports information about measures taken in this regard.

### **Traffic in women and girls**

352. Concerning traffic in women and girls, the General Assembly urged Governments to take appropriate measures to address that problem and to ensure that the victims were provided with the necessary assistance, support, legal advice, protection, treatment and rehabilitation, and urged Governments to co-operate in that matter.<sup>239</sup> The General Assembly also called upon Governments to take appropriate measures to prevent the misuse and exploitation by traffickers of economic activities, such as the development of tourism and the export of labour. It encouraged Member States to consider signing and ratifying or acceding to the Convention for the

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<sup>236</sup> See HRI/GEN/1/Rev. 7, Committee on the Elimination of Discrimination against Women, General recommendation No. 12 : Violence against women, p. 240.

<sup>237</sup> *Ibid*, General recommendation No. 14 : Female circumcision, p. 241.

<sup>238</sup> *Ibid*, General recommendation No. 19 : Violence against women, p. 246-252.

<sup>239</sup> G A resolution 49/166 of 23 December 1994.

Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,<sup>240</sup> the Slavery Convention as amended,<sup>241</sup> and all other relevant international instruments. It recommended that the problem of trafficking in women and girl children be given consideration within the implementation of all relevant international legal instruments and, if need be, that consideration be given to measures to strengthen them, without undermining their legal authority and integrity.<sup>242</sup>

### **Commission on the Status of Women**

353. Bearing in mind the increase in membership of the United Nations from 120 Member States in 1966 to 159 Member States in 1988, which provided the basis for a proportionate enlargement of the Commission on the Status of Women, and taking into consideration the principle of equitable geographical distribution for the allocation of seats, the Economic and Social Council decided that the membership of the Commission should be increased to forty-five and that the seats should be allocated according to the following pattern : (a) thirteen members from African States; (b) eleven members from Asian states; (c) four members from Eastern European States; (d) nine members from Latin American and Caribbean States; (e) eight members from Western European and other States. The Council also decided that the additional seats should be filled at the organizational session for 1990 of the Council.<sup>243</sup>

### **World Conference on Human Rights (Vienna 1993)**

354. The human rights of women have also been examined by the World Conference on Human Rights (Vienna 1993). The Vienna Declaration and Programme of Action stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The Declaration calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. In this context, the Declaration welcomes the decision of the Commission on Human Rights to consider the appointment of a Special Rapporteur on violence against women.<sup>244</sup>

#### **(b) Rights of the child**

355. During the period under review, the principal organs of the United Nations took certain resolutions concerning the rights of the child in connection with the Convention on the Rights of the Child, as well as the issues of street children, children affected by armed conflicts, and sale of children, child prostitution and child

<sup>240</sup> G A resolution 317 (IV) of 2 December 1949, annex.

<sup>241</sup> United Nations, *Treaty Series*, vol. 212, No. 2861.

<sup>242</sup> G A resolution 49/166 of 23 December 1994.

<sup>243</sup> E S C resolution 1989/45 of 24 May 1989.

<sup>244</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 13.



pornography. The rights of the child were also examined by the Human Rights Committee and the World Conference on Human Rights (Vienna 1993).

### **Convention on the Rights of the Child**

356. The elaboration of the International Convention on the Rights of the Child which started during the previous period,<sup>245</sup> has been finalized in 1989. In its resolution 1989/79 of 24 May 1989, the Economic and Social Council transmitted to the General Assembly at the request of the Commission on Human Rights<sup>246</sup> the draft Convention on the Rights of the Child. By resolution 44/25 of 20 November 1989, the General Assembly adopted and opened for signature, ratification and accession the Convention on the Rights of the Child.

357. In the preamble of the Convention, the States Parties recalled that the need to extend particular care to the child had been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959<sup>247</sup> and recognized in the Universal Declaration of Human Rights,<sup>248</sup> in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24),<sup>249</sup> in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10)<sup>250</sup> and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children.

358. The Convention is divided in three parts and includes fifty-four articles. Part one relates to the rights of the child recognized by States parties, and starts with the definition of the child who is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (article 1). According to article 2, States parties shall respect the best interests of the child and ensure the following rights set forth to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status : the right to life, including the survival and development of the child (article 6); the right to a name, to a nationality and to know and be cared for by his or her parents (articles 7, 8 and 9); the right to leave any country, including his or her own, and to enter his or her country (article 10); the right to express freely his or her own views (article 12); the right to freedom of expression (article 13); the right to freedom of thought, conscience and religion (article 14); the right to freedom of association and to freedom of peaceful assembly (article 15); the right to his or her privacy and to his or her honour and reputation (article 16); the right to information (article 17); the common responsibilities of the both parents for the upbringing and development of the child (article 18); the protection from all forms of violence (article 19); the alternative care

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<sup>245</sup> See *Supplement No. 7*, Article 55, paras. 248-257.

<sup>246</sup> Commission on Human Rights resolution 1989/57 of 8 March 1989. For the work of the open-ended Working Group of the Commission on the elaboration of the draft Convention on the Rights of the Child, see previous *Supplement, No. 7*, under Article 55, paras. 248-257.

<sup>247</sup> G A resolution 1386 (XIV) of 20 November 1959.

<sup>248</sup> G A resolution 217 A (III) of 10 December 1948.

<sup>249</sup> G A resolution 2200 A (XXI) of 16 December 1966, annex.

<sup>250</sup> *Ibid.*

in accordance with national laws (article 20); the right to adoption (article 21); the right of asylum (article 22); the right of disabled child (article 23); the right to health (article 24); the right to a periodic review of his or her treatment or placement (article 25); the right to social security (article 26); the right to a standard of living (article 27); the right to education (articles 28 and 29); the right of minority or indigenous child (Article 30); the right to rest and leisure and to participate freely in cultural life and the arts (article 31); the right to be protected from economic exploitation (article 32); the right to be protected from the illicit production, use and trafficking of narcotic drugs and psychotropic substances (article 33); the right to be protected from all forms of sexual exploitation and sexual abuse (article 34); the right to be protected from abduction of, the sale of or traffic in children (article 35); the right to be protected from torture or other cruel, inhuman or degrading treatment or punishment, and from capital punishment and life imprisonment without possibility of release (article 37); the right to be protected by rules of international humanitarian law applicable to children in armed conflicts (article 38); the right to physical and psychological recovery and social reintegration in society (article 39); the right to a penal treatment which takes into account his or her age and the desirability of promoting his or her reintegration in society (article 40).

359. Part two of the Convention concerns the establishment of the Committee on the Rights of the Child, entitled with the task of examining the progress made by States parties in achieving the realization of the obligations undertaken in the Convention (article 43).<sup>251</sup> The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by the Convention. Its members shall be elected by secret ballot by States parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems (article 43). The Committee shall examine reports submitted by States parties on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made on the enjoyment of these rights (article 44). It also shall encourage international co-operation in the field covered by the Convention with the specialized agencies, the United Nations Children's Fund and other United Nations organs (article 45). The Committee may make suggestions and general recommendations based on information received pursuant to the Convention. Such suggestions and general recommendations shall be transmitted to any State party concerned and reported to the General Assembly, together with comments, if any, from States parties (article 45). The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities (article 44).

360. Part three of the Convention deals with the "concluding provisions" concerning the entry into force of the Convention (articles 47-49), as well as the possibility by States parties to propose amendments (article 50), to make reservations (article 51), and to denounce the Convention (article 52).

### **The question of street children**

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<sup>251</sup> See also the section of this study regarding the treaty-based mechanisms, in particular the Committee on the Rights of the Child, below, paras. 480-481.

361. The General Assembly recalled the Convention on the Rights of the Child, which was a major contribution to the protection of the rights of all children, and reaffirmed that children were a particularly vulnerable section of society whose rights required special protection and that children living under especially difficult circumstances, such as street children, deserved special attention, protection and assistance from their families and communities and as part of national efforts and international co-operation. The General Assembly expressed grave concern at the growing number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution. It urged Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, *inter alia*, adequate nutrition, shelter, health care and education. It also emphasized that strict compliance with the provisions of the Convention on the Rights of the Child constituted a significant steps towards solving the problems of street children. It invited Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to co-operate among themselves and to ensure greater awareness and more effective action to solve that problem by, among other measures, supporting development projects that could have a positive impact on the situation of street children.<sup>252</sup>

#### **Children affected by armed conflicts**

362. Concerning children affected by armed conflicts, the General Assembly expressed grave concern about their tragic situation in many parts of the world. In this context, it requested the Secretary-General to appoint,<sup>253</sup> and welcomed the appointment<sup>254</sup> of an expert, working in collaboration with the Centre for Human Rights of the Secretariat and the United Nations Children's Fund, and with the participation of Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, to undertake a comprehensive study of that question, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means of preventing children from being affected by armed conflicts and of improving effective protection of those children, including from indiscriminate use of all weapons of war, especially anti-personnel mines, and to promote their physical and psychological recovery and social reintegration, in particular, measures to ensure proper medical care and adequate nutrition, taking into account the recommendations by the World Conference on Human Rights and the Committee on the Rights of the Child.

363. Also on that issue, the Economic and Social Council took note of the Commission on Human Rights resolution 1994/91 of 9 March 1994, and authorized an open-ended inter-sessional working group of the Commission to elaborate, as a matter of priority and in close co-operation with the Special Rapporteur on the sale of children, child prostitution and child pornography and with the Committee on the

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<sup>252</sup> G A resolution 47/126 of 18 December 1992. See also G A resolutions 48/136 of 20 December 1993 and 49/212 of 23 December 1994.

<sup>253</sup> See G A resolution 48/157 of 20 December 1993.

<sup>254</sup> See G A resolution 49/209 of 23 December 1994.

Rights of the Child, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.<sup>255</sup>

### **Sale of children, child prostitution and child pornography**

364. As regards the sale of children, child prostitution and child pornography, the General Assembly expressed great concern at the growing number of incidents worldwide related to those aberrant practices. Therefore, it urged Governments to continue searching for solutions and ways and means of enhancing international co-operation to eradicate those serious problems, as well as to collaborate with the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of the sale of children, child prostitution and child pornography.<sup>256</sup> The General Assembly also noted the establishment by the Commission on Human Rights in its resolution 1994/90 of 9 March 1994, with the authorization of the Economic and Social Council,<sup>257</sup> of an open-ended working group responsible for elaborating, as a matter of priority and in close co-operation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as establishing the basic measures needed for the prevention and eradication of those abnormal practices. The General Assembly requested the Secretary-General to ensure that the Centre for Human Rights of the Secretariat was provided with the staff and other resources it required to assist the Special Rapporteur and the working group in the effective discharge of their mandates.<sup>258</sup>

### **Human Rights Committee**

365. The rights of the child were also examined by the Human Rights Committee at its thirty-fifth session (1989).<sup>259</sup> According to the Committee, article 24 of the International Covenant on Civil and Political Rights recognizes the right of every child, without any discrimination, to receive from his family, society and the State the protection required by his status as a minor. Consequently, the implementation of this provision entails the adoption of special measures to protect children, in addition to the measures that States are required to take under article 2 to ensure that everyone enjoys the rights provided for in the Covenant. In this connection, the Committee points out that the rights provided for in article 24 are not the only ones that the Covenant recognizes for children and that, as individuals, children benefit from all of the civil rights enunciated in the Covenant. In enunciating a right, some provisions of the Covenant expressly indicate to States measures to be adopted with a view to affording minors greater protection than adults. In most cases, however, the measures to be adopted are not specified in the Covenant and it is for each State to determine them in the light of the protection needs of the children in its territory and within its jurisdiction. For example, every possible measure should be taken to determine the

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<sup>255</sup> E S C decision 1994/10 of 22 July 1994.

<sup>256</sup> See G A resolutions 48/156 of 20 December 1993 and 49/210 of 23 December 1994.

<sup>257</sup> See E S C resolution 1994/9 of 22 July 1994.

<sup>258</sup> G A resolution 49/210 of 23 December 1994.

<sup>259</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General comment No. 17 : Rights of the child (article 24 of the Covenant), pp. 144-146.

age at which the child attains his majority, and to promote recognition of his legal personality (immediate registration, name and nationality after birth).

### **World Conference on Human Rights (Vienna 1993)**

366. The World Conference on Human Rights (Vienna 1993) examined the rights of the child too. The Vienna Declaration and Programme of Action urges all States, with the support of international cooperation, to address the acute problem of children under specially difficult circumstances. Particular priority should be placed on reducing infant and maternal mortality rates, providing access to safe drinking water and basic education, reducing malnutrition and illiteracy rates as well as taking effective measures against female infanticide, harmful child labour, sale of children organs, child prostitution, child pornography, other forms of sexual abuse and customs and practices which discriminate against and cause harm to the girl child. The Vienna Declaration also strongly supports the proposal that the Secretary-General initiate a study into means of improving the protection of children in armed conflicts.<sup>260</sup>

### **© Rights of minorities**

367. Concerning the rights of minorities, the General Assembly, by its resolution 47/80 of 16 December 1992, reaffirmed its conviction that discrimination between human beings on grounds of race, colour, religion or ethnic origin was an obstacle to friendly and peaceful relations among nations and was capable of disturbing peace and security among peoples and the harmony of persons living side by side even within the same State. The General Assembly stated that it was deeply alarmed by policies and practices of “ethnic cleansing” which fostered hatred and violence, wherever they occurred. It also noted the importance of respecting the rights of persons belonging to national or ethnic, religious and linguistic minorities. In this light, the General Assembly reaffirmed that “ethnic cleansing” and racial hatred were totally incompatible with universally recognized human rights and fundamental freedoms; it also reiterated its conviction that those who committed or ordered the commission of acts of “ethnic cleansing” were individually responsible and should be brought to justice; it called upon all States to co-operate in eliminating all forms of “ethnic cleansing” and racial hatred.<sup>261</sup>

368. In resolution 47/135 of 18 December 1992, the General Assembly considered that the United Nations had an increasingly important role to play regarding the protection of minorities, and adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Declaration is inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights,<sup>262</sup> and proclaims that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their

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<sup>260</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, pp. 14-15.

<sup>261</sup> G A resolution 47/80 of 16 December 1992.

<sup>262</sup> Article 27 of the International Covenant on Civil and Political Rights states : “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

respective territories and shall encourage conditions for the promotion of that identity; States also shall adopt appropriate legislative and other measures to achieve those ends; measures taken by States to ensure the effective enjoyment of the rights set forth in this Declaration shall not *prima facie* be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.

369. According to the Declaration, persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination; persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life; persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation; persons belonging to minorities have the right to establish and maintain their own associations; persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties; nothing in this Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

370. The Declaration further states that States should co-operate in order to promote mutual understanding and confidence on questions relating to persons belonging to minorities, and also to promote the rights set forth in the Declaration. The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles proclaimed in the Declaration, within their respective fields of competence.

371. In its subsequent resolutions on the matter,<sup>263</sup> the General Assembly urged States, the international community, the Commission on Human Rights, all treaty bodies and Special Rapporteurs, Special Representatives and Working Groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to promote and protect the rights of persons belonging to minorities, as set forth in the Declaration. It also appealed States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration, as well as to facilitate the full participation of persons belonging in minorities in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

372. The rights of minorities have been examined by the Human Rights Committee at its fiftieth session (1994).<sup>264</sup> According to the Committee, article 27 of the International Covenant on Civil and Political Rights established and recognized a right which was conferred on individuals belonging to minority groups and which was

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<sup>263</sup> G A resolutions 48/138 of 20 December 1993 and 49/192 of 23 December 1994.

<sup>264</sup> See HRI/GEN/1/Rev. 7, Human Rights Committee, General comment No. 23 : Rights of minorities (article 27 of the Covenant), pp. 158-161.

distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they were already entitled to enjoy under the Covenant. The Covenant drew a distinction between the right to self-determination and the rights protected under article 27. The former was expressed to be a right belonging to peoples and was dealt with in a separate part (Part I) of the Covenant. Article 27, on the other hand, related to rights conferred on individuals as such and was included, like the articles relating to other personal rights conferred on individuals, in Part III of the Covenant and was cognizable under the Optional Protocol to the International covenant on Civil and Political Rights.

373. The Committee was also of the view that the enjoyment of the rights to which article 27 related did not prejudice the sovereignty and territorial integrity of a State party. At the same time, one or other aspect of the rights of individuals protected under that article, for example, to enjoy a particular culture, might consist in a way of life which was closely associated with territory and use of its resources. This might particularly be true of members of indigenous communities constituting a minority. Although article 27 was expressed in negative terms, that article, nevertheless, did recognize the existence of a “right” and required that it should not be denied. Consequently, a State party was under an obligation to ensure that the existence and the exercise of that right were protected against their denial or violation. Positive measures of protection were, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party.

374. The Committee observed further that although the rights protected under article 27 were individual rights, they depended in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by States might also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the others members of the group. The Committee concluded that article 27 of the Covenant related to rights whose protection imposed specific obligations on States parties. The protection of those rights was directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole. Accordingly, the Committee observed that those rights had to be protected as such and should not be confused with other personal rights conferred on one and all under the Covenant. States parties, therefore, had an obligation to ensure that the exercise of those rights was fully protected and they should indicate in their reports the measures they had adopted to this end.<sup>265</sup>

375. The rights of minorities were also examined by the World Conference on Human Rights (Vienna 1993). The Vienna Declaration and Programme of Action urges States and the international community to promote and protect the rights of persons belonging to minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. Measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country. In this

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<sup>265</sup> HRI/GEN/1/Rev. 7, pp. 158-161.

context, the Centre for Human Rights of the Secretariat should provide, at the request of Governments concerned and as part of its programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities.<sup>266</sup>

d) Rights of indigenous populations<sup>267</sup>

376. As in the previous period,<sup>268</sup> the steps taken by the principal organs concerning the human rights of indigenous populations were focused *inter alia* on the realization of studies on subjects in connection with the protection of those rights. To this effect, the Economic and Social Council confirmed the appointment of a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and authorized him to carry out the study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and States referred to in Commission on Human Rights resolution 1988/56 of 9 March 1988.<sup>269</sup> The Council also endorsed the decision of the Commission on Human Rights to authorize a Special Rapporteur of the Sub-Commission to prepare a study on the ownership and control of the cultural property of indigenous peoples.<sup>270</sup>

377. Concerning the elaboration of a draft declaration on indigenous rights, the Economic and Social Council endorsed the Commission on Human Rights' decision to welcome the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to entrust to the Chairman-Rapporteur of the Working Group on Indigenous Populations the further development of that draft declaration.<sup>271</sup>

378. The rights of indigenous populations have also been examined by the World Conference on Human Rights (Vienna 1993). The Vienna Declaration and Programme of Action urges States to ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. The Declaration also recommends that advisory services and technical assistance programmes within the United Nations system respond positively to requests by States for assistance which should be of direct benefit to indigenous people. It further recommends that the General Assembly proclaim an international decade of the world's indigenous people, to begin from January 1994, including action-orientated programmes, to be decided upon in partnership with indigenous people.<sup>272</sup> In the framework of such a decade, the completion of the drafting of a declaration on the rights of indigenous people and the establishment of a permanent forum for those people in the United Nations system should be considered.<sup>273</sup>

<sup>266</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 12.

<sup>267</sup> See also this study, below, section h), paras. 587 and 594.

<sup>268</sup> See *Supplement No. 7*, Article 55, paras. 263-266.

<sup>269</sup> E S C resolution 1989/77 of 24 May 1989.

<sup>270</sup> E S C decisions 1992/256 of 20 July 1992 and 1994/274 of 25 July 1994.

<sup>271</sup> See E S C decision 1989/140 of 24 May 1989.

<sup>272</sup> See also this study, below, para. 594.

<sup>273</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 12.



(e) Migrants' rights<sup>274</sup>

379. By resolution 45/158 of 18 December 1990, the General Assembly expressed its appreciation to the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrants Workers and Their Families for having concluded the elaboration of the draft convention, and adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. The Convention is divided in nine parts and includes ninety-three articles.

380. Part one of the Convention concerns the scope (article 1) as well as the definitions of terms used in the Convention, namely the definitions of the terms "migrant worker", "frontier worker", "seasonal worker", "seafarer", "worker on an offshore installation", "itinerant worker", "project-tied worker", "specified-employment worker", and "self-employed worker" (article 2), "members of the family" (article 4), as well as "State of origin", "State of employment" and "State of transit" (article 6).

381. Part two of the Convention contains the principle of non-discrimination with respect to rights provided for in the Convention (article 7).

382. Part three enumerates the human rights and obligations of all migrants workers and members of their families : freedom of movement (article 8); right to life (article 9); prohibition of torture or cruel, inhuman or degrading treatment or punishment (article 10); prohibition of slavery, servitude and forced or compulsory labour (article 11); freedom of thought, conscience and religion (article 12); freedom of opinion and expression (article 13); prohibition of arbitrary or unlawful interference with privacy, honour and reputation (article 14); right to property (article 15); right to liberty and security of person (article 16); rights relating to the administration of justice (articles 17 to 21); prohibition of collective expulsions (article 22); right to the protection and assistance of their consular and diplomatic authorities (article 23); right relating to recognition before the law and protection of the law (article 24); equal treatment in respect of remuneration as well as conditions of work and employment with nationals of the State of employment (article 25); freedom of peaceful assembly and association (article 26); equal treatment with respect to social security with nationals of the State of employment (article 27); right to health (article 28); right to a name and a nationality (article 29); right to education (article 30); respect for their cultural identity (article 31); right to transfer of their earnings and savings as well as their personal effects and belongings (article 32); right to be informed of their rights arising out of this Convention (article 33); obligation to comply with the laws and regulations of the State of transit and the State of employment (article 34); no regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation (article 35).

383. Part four of the Convention enumerates other rights of migrant workers and members of their families who are documented or in a regular situation, such as freedom of movement and residence in the territory of the State of employment

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<sup>274</sup> See also below, rights of aliens, section (f), paras. 392-395.

(article 39); political rights of their State of origin (article 41); political rights of the State of employment if this State grants these rights( article 42); rights relating to the standard of living (article 43); facilitation of family reunification (article 44); access to and participation in cultural life (article 45); equal treatment with nationals of the State of employment in respect of, *inter alia*, protection against dismissal, unemployment benefits, access to public work schemes intended to combat unemployment, access to alternative employment in the event of loss of work or termination of other remunerated activity (article 54).

384. Part five of the Convention contains provisions applicable to particular categories of migrant workers and members of their families, namely frontier workers (article 58), seasonal workers (article 59), itinerant workers (article 60), project-tied workers (article 61), specified-employment workers (article 62), and self-employed workers (article 63).

385. Part six of the Convention deals with the promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (articles 64 to 71).

386. Part seven of the Convention concerns its application, through the establishment of a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, which shall consist of ten, after fourteen, experts of high moral standing, impartiality and recognized competence in the field covered by the Convention. Members of the Committee shall be elected by secret ballot by the States parties from a list of persons nominated by the States parties, due consideration being given to equitable geographical distribution, including both States of origin and States of employment, and to the representation of the principal legal systems. Members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant section of the Convention on the Privileges and Immunities of the United Nations (article 72). The Committee shall examine reports submitted by States parties on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the Convention (articles 73 and 74). The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies, to submit written information on matters dealt with in the Convention, and to be present and to be heard in its meetings whenever matters falling within their field of competence are considered (article 74). The Committee shall present an annual report to the General Assembly of the United Nations on the implementation of the Convention, containing its own consideration and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties (article 74). The Committee may receive and consider, under conditions, communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention (article 76). The Committee may also, under conditions, receive and consider communications from or on behalf of individuals who claim that their individual rights as established by the Convention have been violated by a State party (article 77).

387. Part eight of the Convention contains some “general provisions”, such as no possibility of renouncement of, or derogation by contract from, the rights provided for

in the Convention, and States parties shall take appropriate measures to ensure that these principles are respected (article 82).

388. Part nine of the Convention deals with the final provisions concerning the entry into force of the Convention (articles 85 to 88), as well as the possibility by States parties to denounce the Convention (article 89), to propose amendments (article 90), to make reservations (article 91) and to resolve disputes relating to the interpretation or application of the Convention (article 92).

389. In its resolution 46/114 of 17 December 1991, as well as in its subsequent resolutions,<sup>275</sup> the General Assembly recalled resolution 45/158 of 18 December 1990 in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that the Convention would enter into force at an early date. The General Assembly also requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights. It further invited United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

390. Concerning the vital importance of family reunification, the General Assembly reaffirmed that all Governments, particularly those of receiving countries, had to recognize the vital importance of that reunification and to promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants.<sup>276</sup> The General Assembly also called upon all States to discourage and reverse legislation that adversely affected the family reunification of documented migrants and the transfer of financial remittances. It therefore called upon all States to allow, in conformity with national legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin.<sup>277</sup>

391. The protection of the human rights of all migrants workers and their families was also examined by the World Conference on Human Rights (Vienna 1993). The Vienna Declaration and Programme of Action invites States to consider the possibility of signing and ratifying, at the earliest possible time, the International Convention on the Rights of All Migrant Workers and Members of the Families.<sup>278</sup>

(f) Rights of aliens<sup>279</sup>

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<sup>275</sup> See G A resolutions 47/110 of 16 December 1992, 48/148 of 20 December 1993 and 49/175 of 23 December 1994.

<sup>276</sup> G A resolution 49/182 of 23 December 1994.

<sup>277</sup> *Ibid.*

<sup>278</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 12.

<sup>279</sup> See also above, migrants' rights, section (e), paras. 379-391.

392. During the period under review, the rights of aliens were examined by the General Assembly in the context of the prevention of the smuggling of aliens and the respect for the universal freedom of travel.

393. The General Assembly condemned the practice of smuggling aliens in violation of international and national law and without regard for the safety, well-being and human rights of the migrants.<sup>280</sup> It also commended those States that had co-operated to combat the smuggling of aliens and to address specific incidents where smuggled aliens had needed to be processed in accordance with international standards and the domestic laws and procedures of the State concerned and returned safely to appropriate destinations. It urged States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, *inter alia*, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers.<sup>281</sup>

394. In the same vein the General Assembly, and the Economic and Social Council also,<sup>282</sup> emphasized that international efforts to prevent the smuggling of aliens should not inhibit migration or freedom of travel or undercut the protection provided by international law to refugees. It also requested the specialized agencies and intergovernmental organizations, in particular the International Organization for Migration, the International Maritime Organization, the International Criminal Police Organization and the International Civil Aviation Organization, to consider ways and means, within their respective sphere of competence, to enhance international co-operation to combat the smuggling of aliens. It further requested the Secretary-General to report to it on measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens.<sup>283</sup>

395. As regards the universal freedom of travel, the General Assembly called upon all States to ensure the universally recognized freedom of travel to all foreign nationals legally residing in their territory.

(g) Rights of disabled persons<sup>284</sup>

396. During the period under review, rights of disabled persons were examined in connection with the implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons. For example, the General Assembly reaffirmed the validity of the World Programme of Action concerning Disabled Persons, and reiterated that for the second half of the United Nations Decade of Disabled Persons special emphasis should be placed on the equalization of opportunities for disabled persons.<sup>285</sup> It renewed its invitation to all States to give high priority to projects concerning the prevention of disabilities, rehabilitation and the equalization of opportunities for disabled persons within the

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<sup>280</sup> G A resolution 48/102 of 20 December 1993.

<sup>281</sup> *Ibid.*

<sup>282</sup> See, for example, E S C resolution 1994/14 of 25 July 1994.

<sup>283</sup> G A resolution 48/102 of 20 December 1993.

<sup>284</sup> Rights of "persons with disabilities" since 1993: see G A resolution 48/96 of 20 December 1993.

<sup>285</sup> G A resolutions 44/70 of 8 December 1989 and 45/91 of 14 December 1990.

framework of bilateral assistance, as well as financial support to strengthen organizations of disabled persons.<sup>286</sup> It requested the Secretary-General to assist Member States in establishing and strengthening national committees on disability issues and similar coordinating bodies and to promote and support the establishment of strong national organizations of disabled persons, including umbrella organizations.<sup>287</sup> It also invited the Secretary-General, in connection with the feasibility study on the substantive, financial and administrative implications of alternative ways to mark the end of the Decade in 1992, called for by the General Assembly in its resolution 43/98 of 8 December 1988, to request Member States, in consultation with organizations of disabled persons, to submit their comments to him for inclusion in the background document to be discussed at the meeting of experts to be held in May 1990.<sup>288</sup> It further requested the Secretary-General to bring the *Tallinn Guidelines for Action on Human Resources Development in the Field of Disability*, the text of which was annexed to General Assembly resolution 44/70 of 8 December 1989, to the attention of Member States, national coordinating mechanisms in the field of disability, organizations of the United Nations system, other intergovernmental bodies and non-governmental organizations concerned with disabilities.<sup>289</sup>

397. In resolution 45/91 of 14 December 1990, the General Assembly also stressed the need to achieve the objectives set out in the agenda for action until the end of the Decade and beyond<sup>290</sup> and the preliminary outline of a long-term strategy to the year 2000 and beyond: a society for all,<sup>291</sup> as contained in the report of the Secretary-General on the feasibility study on alternative ways to mark the end of the Decade.<sup>292</sup> It requested the Secretary-General to shift the focus of the United Nations programme on disability from awareness-raising to action, with the aim of achieving a society for all by the year 2010 and of responding more appropriately to the many requests for assistance and advisory services. It further invited Member States to submit updated national reports to the Secretary-General on the implementation of the agenda for action.<sup>293</sup>

398. In resolution 46/96 of 16 December 1991, the General Assembly endorsed the Guidelines for the Establishment and Development of National Coordinating Committees on Disability or Similar Bodies,<sup>294</sup> also endorsed the Guidelines for the Development of Organizations of Disabled Persons,<sup>295</sup> and requested the Secretary-General to ensure that those Guidelines were disseminated as widely as possible and to assist Member States in undertaking follow-up measures, especially training seminars, to promote their implementation. The General Assembly called upon Governments and bodies of the United Nations system to participate actively in the elaboration of standards rules on the equalization of opportunities for persons with

<sup>286</sup> G A resolutions 44/70 of 8 December 1989 and 45/91 of 14 December 1990.

<sup>287</sup> *Ibid.*

<sup>288</sup> G A resolution 44/70 of 8 December 1989.

<sup>289</sup> *Ibid.* See also this study, below, section h), para. 589.

<sup>290</sup> See A/45/470, sect. III.

<sup>291</sup> *Ibid.*, sect. IV.

<sup>292</sup> A/45/470.

<sup>293</sup> G A resolution 45/91 of 14 December 1990.

<sup>294</sup> A/C.3/46/4, annex I.

<sup>295</sup> *Ibid.*, annex II.

disabilities and in this regard to pay attention to the particular needs of women with disabilities.<sup>296</sup>

399. By its resolution 48/96 of 20 December 1993, the General Assembly adopted the Standards Rules on the Equalization of Opportunities for Persons with Disabilities. The Rules are divided in four parts. Part one relates to the preconditions for equal participation, namely awareness-raising (rule 1); medical care (rule 2); rehabilitation (rule 3); and support services (rule 4). Part two deals with the target areas for equal participation: accessibility (rule 5); education (rule 6); employment (rule 7); income maintenance and social security (rule 8); family life and personal integrity (rule 9); culture (rule 10); recreation and sports (rule 11); and religion (rule 12). Part three of the Rules concerns the implementation measures, namely information and research (rule 13); policy-making and planning (rule 14); legislation (rule 15); economic policies (rule 16); coordination of work (rule 17); organizations of persons with disabilities (rule 18); personnel training (rule 19); national monitoring and evaluation of disability programmes in the implementation of the Rules (rule 20); technical and economic co-operation (rule 21); and international co-operation (rule 22). Part four of the Rules relates to the monitoring mechanism, namely a Special Rapporteur and a panel of experts, with the support of the Department for Policy Coordination and Sustainable Development of the Secretariat, as the United Nations focal point on disability issues.

400. In resolution 49/153 of 23 December 1994, the General Assembly encouraged Governments to take legal and administrative measures, as appropriate, to implement fully the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. It welcomed the appointment of a Special Rapporteur on Disability to monitor the implementation of the Standard Rules and to submit reports to the Commission for Social Development. It also welcomed the establishment of a panel of experts as referred to in section IV, paragraph 3, of the Standard Rules.<sup>297</sup> It further encouraged the Secretary-General and the United Nations agencies concerned to finalize, in consultation with Member States, the development of a global disability indicator, and also encouraged the Special Rapporteur to make use of it, where appropriate, in his future work.

401. It has also to be noted that at its eleventh session (1994), the Committee on Economic, Social and Cultural Rights examined, at the request of the General Assembly<sup>298</sup> and the Commission on Human Rights,<sup>299</sup> the States parties' obligations to the International Covenant on Economic, Social and Cultural Rights to ensure the

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<sup>296</sup> G A resolution 46/96 of 16 December 1991.

<sup>297</sup> The paragraph 3 of section IV of the Standard Rules states: "International organizations of persons with disabilities having consultative status with the Economic and Social Council and organizations representing persons with disabilities who have not yet formed their own organizations should be invited to create among themselves a panel of experts, on which organizations of persons with disabilities shall have a majority, taking into account the different kinds of disabilities and necessary equitable geographical distribution, to be consulted by the Special Rapporteur and, when appropriate, by the Secretariat".

<sup>298</sup> See G A resolution 37/52 of 3 December 1982.

<sup>299</sup> See Commission on Human Rights resolutions 1992/48 of 3 March 1992 and 1993/29 of 5 March 1993.

full enjoyment of those rights by persons with disabilities.<sup>300</sup> According to the Committee, and in accordance with the Standard Rules, States parties had a general obligation to take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution. States parties also had obligation to eliminate discrimination on the ground of disability, and to provide persons with disabilities with specific measures in connection with certain provisions of the Covenant, in particular provisions on : (a) equal rights for men and women; (b) rights relating to work; (c) social security; (d) protection of the family and of mothers and children; (e) the right to an adequate standard of living; (f) the right to physical and mental health; (g) the right to education; (h) the right to take part in cultural life and enjoy the benefits of scientific progress. According to the Committee, the measures taken to undo existing discrimination and to establish equitable opportunities for persons with disabilities should not be considered discriminatory in the sense of article 2 (2) of the Covenant as long as they were based on the principle of equality and were employed only to the extent necessary to achieve that objective.<sup>301</sup>

402. The rights of disabled persons were further examined by the World Conference on Human Rights (Vienna 1993). According to the Vienna Declaration and Programme of Action, the place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society. The Vienna Declaration also calls upon the General Assembly and the Economic and Social Council to adopt the draft standard rules on the equalization of opportunities for persons with disabilities, which was done at their meetings in 1993.<sup>302</sup>

#### (h) Rights of older persons

403. During the period under review, the United Nations organs explored the rights of older persons in connection with the implementation of the International Plan of Action on Aging and related activities. In this regard, the General Assembly endorsed<sup>303</sup> Economic and Social Council resolution 1989/50 of 24 May 1989 and the action programme on aging for 1992 and beyond. The General Assembly noted that aging was being considered as a priority theme of the international development strategy for the fourth United Nations development decade and the medium-term plan for the period 1992-1997. It also noted the convening of the meeting of eminent persons to develop an international fund-raising strategy for policies and programmes on population aging, at United Nations Headquarters on 18 and 19 September 1989,<sup>304</sup> took note of the adoption at that meeting of a declaration on the desirability and urgency of establishing an independent international foundation on aging under the patronage of the United Nations that would encourage the public and private sectors

<sup>300</sup> See HRI/GEN/1/Rev. 7, Committee on Economic, Social and Cultural Rights, General comment No. 5 : Persons with disabilities, pp. 25-35.

<sup>301</sup> *Ibid.*

<sup>302</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 16. See also this study, above, paras. 396-402.

<sup>303</sup> By G A resolutions 44/67 of 8 December 1989 and 45/106 of 14 December 1990.

<sup>304</sup> See A/44/420/Add. 1.

as well as non-governmental organizations to support the work of the United Nations system in that field of aging, and in this regard invited Member States, non-governmental organizations and the private sector to support that initiative<sup>305</sup>. The General Assembly further noted with appreciation the establishment, with the assistance of the United Nations Office at Vienna, of an African Society of Gerontology at Dakar.<sup>306</sup>

404. In resolution 45/106 of 14 December 1990, the General Assembly welcomed the rapid progress made by the International Institute on Ageing in Malta, in establishing, in close collaboration and co-operation with the United Nations system, as well as with governmental and non-governmental institutions and organizations, programmes that promote in a practical manner the implementation of the Plan of Action, particularly through curriculum development, training courses, a global survey on training and the establishment of an information network. It also decided to designate 1 October as International Day for the Elderly.<sup>307</sup> In a subsequent resolution,<sup>308</sup> the General Assembly continued to note with satisfaction the leading role of the International Institute on Ageing in Malta in global training initiatives on ageing and its increasing involvement in other countries in the execution of projects funded by the United Nations Population Fund. It also noted the recent establishment, under the patronage of the United Nations, of the Banyan Fund Association: A World Fund for Ageing, whose main goal was to secure or broker funds for activities that would support implementation of the International Plan of Action on Ageing. It further invited special observance of the International Day for the Elderly on 1 October 1992, to mark the tenth anniversary of the World Assembly on Ageing.

405. In its resolution 46/91 of 16 December 1991, the General Assembly adopted the United Nations Principles for Older Persons, based on the International Plan of Action on Ageing. The Principles in question are: independence of older persons for as long as possible; participation of older persons in society; care and protection of older persons by the family and the community; self-fulfilment of older persons; possibility for older persons to live in dignity and security. In resolution 46/94 of 16 December 1991, the General Assembly invited Member States, the Department of Public Information of the Secretariat, the regional commissions and non-governmental organizations to disseminate widely the United Nations Principles for Older Persons at the local, national, regional and global levels, especially in the year 1992, and the tenth anniversary of the World Assembly on Ageing.

406. In its resolution 47/5 of 16 October 1992, the General Assembly adopted the Proclamation on Ageing, in which it decided to observe the year 1999 as the International Year of Older Persons.<sup>309</sup> The same year, the General Assembly also adopted resolution 47/86 of 16 December 1992 in which it adopted the global targets on ageing for the year 2001<sup>310</sup> as a practical strategy on ageing, and urged Member States to support that strategy and to consult the guide for setting national targets on

<sup>305</sup> G A resolution 44/67 of 8 December 1989.

<sup>306</sup> *Ibid.*

<sup>307</sup> See also this study, below, section h), para. 586.

<sup>308</sup> G A resolution 46/94 of 16 December 1991.

<sup>309</sup> See this study, below, section h), para. 590.

<sup>310</sup> See A/47/339, sect. III.



ageing.<sup>311</sup> The General Assembly also invited the Centre for Social Development and Humanitarian Affairs of the Secretariat, as the lead and coordinating agency for the global targets, to update the target strategies periodically on the basis of achievements and new opportunities and to refine indicators for measuring progress in cooperation with the International Institute on Ageing in Malta and others. It further invited interested Members States and organizations to support the Centre in establishing and maintaining a data bank on ageing policies and programmes so that the data gathered in the quadrennial reviews could be systematized and made available to Member States and others on a continuing basis.<sup>312</sup>

407. In its resolution 1993/22 of 27 July 1993, the Economic and Social Council took note of General Assembly resolution 47/86 of 16 December 1992, and welcomed the new conceptual framework and operational nature of the United Nations programme on ageing, provided by the United Nations Principles for Older Persons, the Proclamation on Ageing and the global targets on ageing for the year 2001, to further the implementation of the Plan of Action in the current decade. The Council urged the Secretary-General to strengthen the research component of the United Nations programme on ageing in order to enable it, on the basis of approaches of the third review and appraisal of the implementation of the Plan of Action and the project on developmental implications of population ageing, to develop policy and programme options for assisting Member States in achieving their national targets on ageing for the year 2001 and in implementing the United Nations Principles for Older Persons. The Council also reiterated the appeal made by the General Assembly, in the Proclamation on Ageing, to the international community to highlight ageing at major forthcoming events, including the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, to be held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women : Action for Equality, Development and Peace, to be held at Beijing from 4 to 15 September 1995, the tenth anniversary of International Youth Year, to be observed in 1995, and the World Summit for Social Development, to be held at Copenhagen on 11 and 12 March 1995.<sup>313</sup> The Council welcomed the decision of the General Assembly in its resolution 47/5 of 16 October 1992, to observe 1999 as the International Year of Older Persons, and requested the Secretary-General, in consultation with Governments, non-governmental organizations and regional commissions, to draft a conceptual framework of a programme, at the national, regional and international levels, for the preparation for and observance of the Year, and to submit it for consideration by the Commission for Social Development and the General Assembly at their respective sessions in 1995.<sup>314</sup>

(i) Youth and human rights<sup>315</sup>

408. During the period under review, the General Assembly adopted resolutions concerning the policies and programmes involving youth. In its resolutions 47/85 of 16 December 1992 and 49/154 of 23 December 1994 on the matter, the General Assembly encouraged the preparation by Member States that had not yet done so of a

<sup>311</sup> See A/47/339, sect. IV.

<sup>312</sup> G A resolution 47/86 of 16 December 1992.

<sup>313</sup> E S C resolution 1993/22 of 27 July 1993.

<sup>314</sup> *Ibid.*

<sup>315</sup> See also this study, below, section h), para. 596.

national youth policy, based on an analytical national evaluation of the situation and needs of youth. The General Assembly also called upon Member States to enable young people to obtain a comprehensive education, including in human rights questions, environmental questions and cross-cultural issues, with a view to fostering mutual understanding and tolerance. It requested the Secretary-General to continue to promote and monitor, by using the Centre for Social Development and Humanitarian Affairs of the Secretariat as a focal point, the inclusion of youth-related projects and activities in the programmes of United Nations bodies and specialized agencies, specifically on such themes as communication, health, malnutrition, poverty, housing, culture, youth employment, illiteracy, juvenile delinquency, education, leisure-time activities, drug abuse and the environment. It further requested the Secretary-General to make recommendations on the need for specific programmes aimed at encouraging school attendance through various means, in particular by the provision of lessons free of charge and, where appropriate, free food in schools, in close coordination with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the multilateral financial institutions, bearing in mind the fundamental importance to youth of increasing literacy rates as set out in the draft world programme of action for youth to the year 2000 and beyond.<sup>316</sup>

409. As for it, the Economic and Social Council adopted resolution 1993/24 of 27 July 1993, in which it noted the interlinkages between the fiftieth anniversary of the Charter of the United Nations, the World Summit for Social Development, to be held at Copenhagen on 11 and 12 March 1995, and the tenth anniversary of International Youth Year. In this context, the Council endorsed the calendar of activities to mark the tenth anniversary of International Youth Year: Participation, Development, Peace. It requested the Secretary-General to continue refining the draft world programme of action for youth to the year 2000 and beyond in accordance with proposals to be submitted by Member States, specialized agencies and other bodies within the United Nations system, and concerned intergovernmental and non-governmental organizations, including non-governmental youth organizations, particularly in the light of the deliberations and suggestions of the Commission for Social Development. The Council also called upon the Commission to give priority attention to the refinement of the draft world programme of action, and to establish an *ad hoc* informal open-ended working group on youth for that purpose, with a view to formulating a final draft to be submitted to the Council and the General Assembly in 1995.

#### (j) Human rights defenders

410. During the period under review, the issue of human rights defenders was examined in connection with the question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. In this context, the Economic and Social Council throughout the period authorized the open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior each session of the Commission to continue work on that draft

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<sup>316</sup> See E/CN.5/1993/10 and E/CN.5/1993/L. 11, annex.

declaration. The Council also requested the Secretary-General to extend all necessary facilities to the working group for its meetings.<sup>317</sup>

(iv) Rights relating to armed conflicts

411. During the period under review, the General Assembly continued to express views on matters and rights relating to armed conflicts.

412. In its resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,<sup>318</sup> the General Assembly continued to be convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts. The General Assembly also continued to stress the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law. It appealed again to all States parties to the Geneva Conventions of 1949<sup>319</sup> that had not yet done so to consider becoming parties also to the Additional Protocols thereto of 1977<sup>320</sup> at the earliest possible date. It further called upon all States becoming parties to Protocol I to consider making the declaration provided for under article 90 of that Protocol.<sup>321</sup>

413. Concerning the protection of the environment in times of armed conflict, the General Assembly expressed its deep concern about environmental damage and depletion of natural resources, including the destruction of hundreds of oil-well heads and the release and waste of crude oil into sea, during recent conflicts.<sup>322</sup> It also stressed that destruction of the environment, not justified by military necessity and carried out wantonly, was clearly contrary to existing international law. It further was concerned that the provisions of international law prohibiting such acts might not be widely disseminated and applied.<sup>323</sup> Consequently, the General Assembly urged States to take all measures to ensure compliance with the existing international law applicable to the protection of the environment in times of armed conflict. It also appealed to all States that had not yet done so to consider becoming parties to the relevant international conventions. It urged States to take steps to incorporate the provisions of international law applicable to the protection of the environment into their military manuals and to ensure that they were effectively disseminated. It further requested the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict.<sup>324</sup>

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<sup>317</sup> See E S C resolutions 1989/80 of 24 May 1989, 1990/40 of 25 May 1990, 1991/31 of 31 May 1991, 1992/9 of 20 July 1992, 1993/47 of 28 July 1993 and 1994/11 of 22 July 1994.

<sup>318</sup> See G A resolutions 45/38 of 28 November 1990, 47/30 of 25 November 1992 and 49/48 of 9 December 1994.

<sup>319</sup> See United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>320</sup> *Ibid.*, vol. 1125, Nos. 17512 and 17513.

<sup>321</sup> See also *Supplement No. 7*, Article 55, para. 282.

<sup>322</sup> G A resolution 47/37 of 25 November 1992.

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*

414. Furthermore, in connection with the situation of armed conflict in some countries, the General Assembly condemned all violations of human rights and international humanitarian law committed by the parties concerned to those conflicts, and urged all those parties to respect the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The General Assembly expressed that concern in the cases of Kuwait under Iraqi occupation,<sup>325</sup> Afghanistan,<sup>326</sup> El Salvador,<sup>327</sup> Bosnia and Herzegovina,<sup>328</sup> Sudan,<sup>329</sup> Myanmar,<sup>330</sup> the territory of the former Yugoslavia,<sup>331</sup> and the Palestinian People and Others Arabs of Occupied Territories.<sup>332</sup>

(v) The right of peoples and nations to self-determination

415. In conformity with its previous practice,<sup>333</sup> the General Assembly continued to adopt resolutions on the question of the right of peoples and nations to self-determination, in general, and in connection with the use of mercenaries.

416. In general, the General Assembly throughout the period under review continued to reaffirm that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights.<sup>334</sup> The General Assembly declared its firm opposition to acts of foreign military intervention, aggression and occupation, since those had resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world.<sup>335</sup> It called upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned. The General Assembly also deplored the plight of the millions of refugees and displaced persons who had been uprooted as a result of the aforementioned acts and reaffirmed their right to return to their homes voluntary in safety and honour.<sup>336</sup> It has also to be noted that throughout the period under review, the General Assembly adopted each year a resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>337</sup> in which the General Assembly, *inter alia*, reaffirmed that Declaration and its determination to continue to

<sup>325</sup> See, for example G A resolutions 45/170 of 18 December 1990 and 46/135 of 17 December 1991.

<sup>326</sup> See, for example, G A resolutions 44/161 of 15 December 1989, 45/174 of 18 December 1990, 47/141 of 18 December 1992, 48/152 of 20 December 1993 and 49/207 of 23 December 1994.

<sup>327</sup> See, for example G A resolution 44/165 of 15 December 1989.

<sup>328</sup> See, for example, G A resolution 48/88 of 20 December 1993 and 49/10 of 3 November 1994.

<sup>329</sup> See, for example, G A resolutions 47/142 of 18 December 1992, 48/147 of 20 December 1993 and 49/198 of 23 December 1994.

<sup>330</sup> See, for example, G A resolutions 47/144 of 18 December 1992 and 49/197 of 23 December 1994.

<sup>331</sup> See, for example, G A resolutions 47/147 of 18 December 1992, 48/143 of 20 December 1993, 48/153 of 20 December 1993, 49/196 of 23 December 1994 and 49/205 of 23 December 1994.

<sup>332</sup> See, for example, G A resolution 49/36 B, C and D of 9 December 1994.

<sup>333</sup> See *Supplement No. 7*, Article 55, paras. 283-285.

<sup>334</sup> G A resolutions 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993 and 49/148 of 23 December 1994.

<sup>335</sup> *Ibid.*

<sup>336</sup> *Ibid.*

<sup>337</sup> See G A resolution 1514 (XV) of 14 December 1960.

take all necessary steps with a view to the complete and speedy eradication of colonialism and to the faithful and strict observance by all States of the relevant provisions of the Charter, the Declaration and the guiding principles of the Universal Declaration of Human Rights.<sup>338</sup>

417. In connection with the struggle against international terrorism and its relationship with the principle of self-determination of peoples as enshrined in the Charter of the United Nations, the General Assembly adopted during the period under review resolutions in which it urged all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and foreign occupation, that might give rise to international terrorism and might endanger international peace and security.<sup>339</sup> The General Assembly also requested the Secretary-General to continue seeking the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation.<sup>340</sup> It further considered that nothing in its resolutions<sup>341</sup> could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination, or the right of those peoples to struggle legitimately to this end and to seek and receive support in accordance with the principles of the Charter, the above-mentioned Declaration and the relevant General Assembly resolutions.<sup>342</sup>

418. Concerning the use of mercenaries as, *inter alia*, a means to violate human rights and to impede the exercise of the right of peoples to self-determination, the General Assembly in its resolution 44/34 of 4 December 1989 adopted and opened for signature and ratification or accession the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The first article of the Convention gives a definition of the term “mercenary” who is any person specifically recruited locally or abroad to fight in an armed conflict or to participate in a concerted act of violence aimed at overthrowing a government or undermining the constitutional order of a State or its territorial integrity; a mercenary is motivated to take part in hostilities essentially by the desire for private gain and is prompted by the promise or payment of material compensation; a mercenary is neither a national nor a resident of a party to the conflict or of the State against which an act of violence is directed; a

<sup>338</sup> See G A resolutions 44/101 of 11 December 1989, 45/34 of 20 December 1990, 46/71 of 11 December 1991, 47/23 of 25 November 1992, 48/52 of 10 December 1993 and 49/89 of 16 December 1994.

<sup>339</sup> See G A resolutions 44/29 of 4 December 1989 and 46/51 of 9 December 1991.

<sup>340</sup> *Ibid.*

<sup>341</sup> *Ibid.*

<sup>342</sup> In its resolution 49/60 of 9 December 1994, the General Assembly adopted the Declaration on Measures to Eliminate International Terrorism. See this study, below, under the right to peace, paras. 425-428.

mercenary is not a member of the armed forces of a party to the conflict and is a person who has not been sent by a State on official duty. According to articles 2 and 3, any person who recruits, uses, finances or trains mercenaries as well as a mercenary who participates directly in hostilities or in a concerted act of violence, commits an offence for the purpose of the Convention. Under article 5, States parties shall not recruit, use, finance or train mercenaries for the purpose of opposing the legitimate exercise of the inalienable right of peoples to self-determination, as recognized by international law, and shall take, in conformity with international law, the appropriate measures to prevent the recruitment, use, financing or training of mercenaries for that purpose; States parties shall also make the offences set forth in the Convention punishable by appropriate penalties which take into account the grave nature of those offences. Article 6 deals with the co-operation of States parties in the prevention of the offences set forth in the Convention, and article 7 with the co-operation in the implementation of the Convention. Articles 8, 9, 10 and 12 provide dispositions on the jurisdiction of States parties over the offences set forth in the Convention. Article 11 deals with the rights and guarantees of fair treatment for any person regarding whom proceedings are being carried out in connection with the offences set forth in the Convention. Articles 13, 14 and 15 set out the various measures that States parties should undertake concerning judicial assistance, transmission of information, and extradition in respect of the offences set forth in the Convention. Article 17 relates to negotiation and arbitration on disputes concerning the interpretation or application of the Convention, and articles 18 to 21 refer to the “concluding provisions” – entry into force and denouncement – of the Convention.

419. In its subsequent resolutions on the matter,<sup>343</sup> the General Assembly reaffirmed that the use of mercenaries and their recruitment, financing and training were offences of grave concern to all States and violated the purposes and principles enshrined in the Charter of the United Nations, and urged all States to take early action to sign, accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in order to expedite the coming into force of that Convention.

#### (vi) Rights relating to development

420. It will be recalled from the previous *Supplement*<sup>344</sup> that the General Assembly had adopted in its resolution 41/128 of 4 December 1986 the Declaration on the Right to Development. During the period under review, the General Assembly adopted resolutions concerning the implementation of that Declaration. For example, by resolution 44/62 of 8 December 1989, the General Assembly noted the invitation of the Commission on Human Rights to the Secretary-General to organize, within existing resources, a global consultation on the realization of the right to development, which would involve experts with relevant experience gained at the national level and representatives of the United Nations system, including the specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights, and which would focus on the fundamental problems posed by the implementation of the Declaration on the Right to Development, the criteria that might be used to identify

<sup>343</sup> G A resolutions 45/132 of 14 December 1990, 46/89 of 16 December 1991, 47/84 of 16 December 1992, 48/92 of 20 December 1993 and 49/150 of 23 December 1994.

<sup>344</sup> See *Supplement No. 7*, under this Article, paras. 286-289.

progress and mechanisms for evaluating and stimulating such progress. The General Assembly expressed the hope that the results of that global consultation, the report on which was to be presented to the Commission on Human Rights, would substantially contribute to the future work of the Commission on the implementation and further enhancement of the Declaration.<sup>345</sup> The General Assembly also endorsed the view of the Commission that there was a need for a continuing evaluation mechanism to ensure the promotion, encouragement and reinforcement of the principles set forth in the Declaration.<sup>346</sup>

421. In a subsequent resolution,<sup>347</sup> the General Assembly took note of the report on the Global Consultation on the Realization of the Right to Development as a Human Right,<sup>348</sup> which was organized by the Secretary-General in pursuance of General Assembly resolution 44/62 of 8 December 1989. It expressed the hope that Governments, United Nations bodies and organs and specialized agencies and governmental and non-governmental organizations, including those active in development and human rights, would submit, at the request of the Secretary-General based on Commission on Human Rights resolution 1990/18 of 3 March 1990, additional, updated and more specific views and concrete comments and proposals for further international and national action aimed at strengthening existing, or creating possible new mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VII of the report on the Global Consultation and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts. The General Assembly also requested the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights of the Secretariat to continue co-ordination of the various activities with regard to the implementation of the Declaration on the Right to Development. It further reiterated the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration.<sup>349</sup>

422. In resolution 48/130 of 20 December 1993, the General Assembly reaffirmed the need for an evaluating mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration, and welcomed in this regard the decision of the Commission on Human Rights at its forty-ninth session, in its resolution 1993/22 of 5 March 1993, to establish a Working Group on the Right to Development. It noted with appreciation the convening of the first meeting of the Working Group from 8 to 19 November 1993 at Geneva. It called upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right and the reports of the Working Group on the Right to Development.

<sup>345</sup> G A resolution 44/62 of 8 December 1989; see also E S C decision 1989/141 of 24 May 1989.

<sup>346</sup> *Ibid.*

<sup>347</sup> G A resolution 45/97 of 14 December 1990.

<sup>348</sup> See E/CN.4/1990/9/Rev. 1.

<sup>349</sup> G A resolution 45/97 of 14 December 1990. See also G A resolutions 46/123 of 17 December 1991 and 47/123 of 18 December 1992.

423. In resolution 49/183 of 23 December 1994, the General Assembly welcomed the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,<sup>350</sup> which reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights and reaffirmed that the human person was the central subject of development. It also noted with appreciation the continuing work of the Working Group on the Right to Development during its three sessions held at Geneva from 8 to 19 November 1993, from 2 to 13 May 1994 and from 3 to 14 October 1994.<sup>351</sup> It again called upon the Commission on Human Rights to consider the reports of the Working Group on the Right to Development,<sup>352</sup> and to request the Working Group, in fulfilling its mandate, to continue to examine and sustain attention to all the various aspects of the right to development, with a view to making recommendations for enhancing the universal realization of the right to development through, *inter alia*, the implementation of the provisions of the Declaration on the Right to Development, reaffirmed by the Vienna Declaration and Programme of Action.

424. In the same resolution,<sup>353</sup> the General Assembly requested the United Nations High Commissioner for Human Rights, within his mandate, to continue to take steps for the promotion and protection of the right to development by, *inter alia*, working in conjunction with the Centre for Human Rights and drawing on the expertise of the funds, programmes and specialized agencies of the United Nations system related to the field of development. It also invited the regional commissions and regional intergovernmental organizations to consider how they might contribute to the realization of the right to development, including through convening meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking arrangements or agreements for the implementation of the Declaration on the Right to Development through international co-operation.

#### (vii) The right to peace

425. In conformity with its previous practice,<sup>354</sup> the General Assembly continued to express views on matters related to the right to peace. For example, in its resolution 44/11 of 24 October 1989, the General Assembly took note of the report of the Secretary-General on the achievements of the International Year of Peace, 1986,<sup>355</sup> recognized the important contribution of the Year and supported the efforts made by the international community in carrying out activities designed to strengthen the United Nations as an instrument of peace and to focus attention on the basic elements of peace, such as social and economic development, disarmament, human rights and fundamental freedoms, preparation for life in peace, the ecological balance, protection of the environment and improvement of the quality of life. The General Assembly also emphasized the importance of education for peace, especially at the primary and secondary levels, and expressed satisfaction at its inclusion in many education and

<sup>350</sup> See A/CONF.157/24 (Part I), chap. III.

<sup>351</sup> See E/CN.4/1994/21 and Corr. 1, E/CN.4/1995/11 and E/CN.4/1995/27, respectively.

<sup>352</sup> *Ibid.*

<sup>353</sup> G A resolution 49/183 of 23 December 1994.

<sup>354</sup> See *Supplement No. 7*, Article 55, paras. 290-292.

<sup>355</sup> A/44/615.



teacher-training programmes that had been launched and had received favourable evaluations. In the same resolution, the General Assembly further urged Member States, intergovernmental and non-governmental organizations and the world community to persevere in those efforts, developing initiatives conducive to the objectives of the Year, and to join the United Nations in its noble purpose of ensuring that humanity reached the threshold of the twenty-first century in the full enjoyment of a stable and lasting peace.<sup>356</sup>

426. In its resolution 45/14 of 7 November 1990 concerning the implementation of the Declaration on the Right of Peoples to Peace,<sup>357</sup> the General Assembly recalled the Universal Declaration of Human Rights, which stated that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family was the foundation of freedom, justice and peace in the world, and emphasized the importance of the efforts at the national and international levels towards the implementation of that Declaration, having in view, especially, the need for all States to abide by the provisions of the Charter of the United Nations and, in particular, to adhere to the principles of equal rights and self-determination of peoples, respect for human rights and fundamental freedoms and co-operation among States, and to comply in good faith with their obligations assumed in accordance with the Charter.

427. By adopting in resolution 49/60 of 9 December 1994 the Declaration on Measures to Eliminate International Terrorism, the General Assembly was convinced that the suppression of acts of international terrorism was an essential element for the maintenance of international peace. The Declaration affirms that States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, whenever and by whomever committed. States must refrain from organizing, instigating, assisting or participating in terrorist acts in territories other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures for the speedy and final elimination of this problem.

428. The Declaration also states that the United Nations, the relevant specialized agencies and intergovernmental organizations and other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field. The Secretary-General should assist in the implementation of the Declaration by taking practical measures to enhance international co-operation for the definitive elimination of all acts of terrorism.

\* \* (viii) Rights relating to environment

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<sup>356</sup> G A resolution 44/11 of 24 October 1989. See also this study, below, section h), para. 598.

<sup>357</sup> See G A resolution 39/11 of 12 November 1984.

3. THE QUESTION OF THE MEANING OF THE TERM “SHALL PROMOTE”, THE IMPLEMENTATION PROCEDURES FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

a) Treaty-based mechanisms

429. During the period under review, the principal organs of the United Nations took steps to promote standards of human rights and fundamental freedoms in connection with treaty-based mechanisms. This was achieved mainly for the implementation of the following United Nations instruments on human rights : the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

(i) General remarks

(a) Status of ratification of, or accession to, United Nations instruments on human rights

430. Concerning both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,<sup>358</sup> the General Assembly welcomed the fact that the total number of States parties of the Covenants had increased significantly through recent ratifications or accessions, while noting at the same time that many States members of the United Nations had yet to become parties to them.<sup>359</sup> In this regard, the General Assembly urged all States that had not yet done so to become parties to them, and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights.<sup>360</sup>

431. The General Assembly also noted the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and welcomed the intention of the Secretary-General to intensify systematic efforts to encourage States and assist them, at their request and through the programme of advisory services in the field of human rights, in becoming parties to the International Covenant on Civil and Political Rights and in considering acceding to the Optional Protocols to it.<sup>361</sup>

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<sup>358</sup> See G A resolution 2200 A (XXI) of 16 December 1966, annex.

<sup>359</sup> G A resolutions 44/129 of 15 December 1989, 45/135 of 14 December 1990, 46/113 of 17 December 1991 and 48/119 of 20 December 1993.

<sup>360</sup> *Ibid.* See G A resolution 2200 A (XXI) of 16 December 1966, annex, for the Optional Protocol to the International Covenant on Civil and Political Rights, and G A resolution 44/128 of 15 December 1989 for the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

<sup>361</sup> G A resolutions 46/113 of 17 December 1991 and 48/119 of 20 December 1993.

432. Furthermore, the General Assembly and the Economic and Social Council, as the World Conference on Human Rights (Vienna 1993),<sup>362</sup> appealed to States parties to the Covenants that had exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservation should be reviewed. They encouraged States parties to consider limiting the extent of reservations they lodged to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty or was otherwise contrary to international law. They also encouraged States parties to review regularly any reservations made in respect of the provisions of the Covenants with a view to withdrawing them.<sup>363</sup>

433. Regarding the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>364</sup> the General Assembly expressed its satisfaction at the number of States that had ratified it. The General Assembly requested those States which had not yet become parties to the Convention to ratify it or accede thereto. The General Assembly also called upon the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention.<sup>365</sup>

434. Concerning the Convention on the Elimination of All Forms of Discrimination against Women,<sup>366</sup> the General Assembly expressed its satisfaction with the increasing number of States that had ratified or acceded to it, and urged all States that had not yet ratified or acceded to it to do so as soon as possible.<sup>367</sup> However, the Economic and Social Council and the General Assembly noted with deep concern that the Convention was still one of the human rights instruments with a large number of reservations, many of which ran contrary to the object and purpose of the Convention, despite the fact that some States parties had withdrawn their reservations to it.<sup>368</sup> The Council and the Assembly encouraged States to consider limiting the extent of any reservation they lodged to the Convention, to formulate any reservations as precisely and as narrowly as possible and to ensure that no reservation was incompatible with the object and the purpose of the Convention or otherwise contrary to international law. The Council and the Assembly also requested States parties to the Convention to review their reservations regularly, with a view to withdrawing them expeditiously so that the Convention might be fully implemented.<sup>369</sup>

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<sup>362</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, pp. 9-10.

<sup>363</sup> G A resolutions 44/129 of 15 December 1989, 45/135 of 14 December 1990, 46/113 of 17 December 1991; E S C resolutions 1990/17 of 25 May 1990, 1991/33 of 25 May 1991, 1992/11 of 20 July 1992.

<sup>364</sup> See G A resolution 2106 A (XX) of 21 December 1965.

<sup>365</sup> G A resolutions 45/89 of 14 December 1990, 47/78 of 16 December 1992 and 49/144 of 23 December 1994.

<sup>366</sup> See G A resolution 34/180 of 18 December 1979.

<sup>367</sup> G A resolutions 45/124 of 14 December 1990, 47/94 of 16 December 1992 and 49/164 of 23 December 1994.

<sup>368</sup> G A resolution 49/164 of 23 December 1994; E S C resolutions 1993/14 of 27 July 1993 and 1994/7 of 21 July 1994.

<sup>369</sup> *Ibid.* See also the World Conference on Human Rights in its Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 13.

435. As regards the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>370</sup> the General Assembly reiterated its request to all States to become parties to it, because the General Assembly was seriously concerned about the alarming number of reported cases of torture and other cruel and inhuman or degrading treatment or punishment taking place in various parts of the world, and also concerned by the stagnation in the number of ratifications to the Convention received during the past years.<sup>371</sup> The General Assembly invited once again States parties, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20.<sup>372</sup>

436. With regard to the Convention on the Rights of the Child,<sup>373</sup> the General Assembly welcomed with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms.<sup>374</sup> However, the General Assembly called upon all States that had not done so to sign, ratify or accede to the Convention as a matter of priority.<sup>375</sup> Moreover, the General Assembly was seriously concerned about those reservations to the Convention that were contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalled that the Vienna Declaration and Programme of Action urged States to withdraw such reservations.<sup>376</sup> Finally, the General Assembly urged States parties to the Convention that had made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them.<sup>377</sup>

437. Concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>378</sup> the General Assembly throughout the period under review continued to call upon all Member States to consider signing and ratifying or acceding to it as a matter of priority, and to express the hope that the Convention would enter into force at an early date.<sup>379</sup>

(b) Obligations of States parties under United Nations instruments on human rights

438. In general, the General Assembly emphasized the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and

<sup>370</sup> See G A resolution 39/46 of 10 December 1984.

<sup>371</sup> G A resolution 49/177 of 23 December 1994.

<sup>372</sup> *Ibid.*

<sup>373</sup> See G A resolution 44/25 of 20 November 1989.

<sup>374</sup> G A resolutions 45/104 of 14 December 1990, 46/112 of 17 December 1991, 47/112 of 16 December 1992 and 49/211 of 23 December 1994.

<sup>375</sup> *Ibid.*

<sup>376</sup> G A resolution 49/211 of 23 December 1994.

<sup>377</sup> G A resolutions 47/112 of 16 December 1992 and 49/211 of 23 December 1994. See also the World Conference on Human Rights in its Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 14.

<sup>378</sup> See G A resolution 45/158 of 18 December 1990.

<sup>379</sup> For example, see G A resolutions 46/114 of 17 December 1991, 47/110 of 16 December 1992, 48/148 of 20 December 1993, 49/146 of 23 December 1994 and 49/175 of 23 December 1994.

Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights.<sup>380</sup> It also made the same recommendation to States parties as regards the Convention on the Elimination of All Forms of Discrimination against Women,<sup>381</sup> the Convention on the Rights of the Child<sup>382</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>383</sup>

439. Concerning the Convention on the Elimination of All Forms of Racial Discrimination, the General Assembly emphasized the obligation of all States parties to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention.<sup>384</sup> The General Assembly also urged all Governments to take all necessary means to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields.<sup>385</sup>

440. Regarding also the International Covenant on Civil and Political Rights, the General Assembly stressed the importance of avoiding the erosion of human rights by derogation, and underlined the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the Covenant, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in those circumstances could be assessed.<sup>386</sup>

441. As regards, furthermore, the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights examined at its fifth session (1990) the nature of States parties' obligations under that Covenant,<sup>387</sup> and stated that those obligations included both obligations of conduct ( "to take steps" and "to guarantee that relevant rights will be exercised without discrimination" ) and obligation of result ( "to take steps with a view to achieving progressively the full realization of the rights recognized" in the Covenant ). On the basis of the extensive experience gained by the Committee, as well as by the body that preceded it, over a period of more than a decade of examining States parties' reports the Committee was of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights was incumbent upon every State party; moreover, each State party had to take the necessary steps "to the maximum of its available resources", and "individually and through international assistance and co-operation, especially economic and technical". The Committee wished to emphasize

<sup>380</sup> See for example G A resolutions 44/129 of 15 December 1989, 45/135 of 14 December 1990, 46/113 of 17 December 1991 and 48/119 of 20 December 1993.

<sup>381</sup> G A resolutions 45/124 of 14 December 1990, 47/94 of 16 December 1992 and 49/164 of 23 December 1994.

<sup>382</sup> G A resolutions 45/104 of 14 December 1990, 46/112 of 17 December 1991 and 47/112 of 16 December 1992.

<sup>383</sup> G A resolutions 47/113 of 16 December 1992 and 49/177 of 23 December 1994.

<sup>384</sup> G A resolutions 44/68 of 8 December 1989, 45/88 of 14 December 1990, 46/83 of 16 December 1991, 47/79 of 16 December 1992, 48/90 of 20 December 1993 and 49/145 of 23 December 1994.

<sup>385</sup> G A resolution 49/146 of 23 December 1994.

<sup>386</sup> G A resolutions 44/129 of 15 December 1989, 45/135 of 14 December 1990, 46/113 of 17 December 1991 and 48/119 of 20 December 1993.

<sup>387</sup> See HRI/GEN/1/Rev. 7, Committee on Economic, Social and Cultural Rights, General comment No. 3 : The nature of States parties' obligations (article 2, para. 1, of the Covenant), pp. 15-18.

that in accordance with Articles 55 and 56 of the Charter of the United Nations, with well-established principles of international law, and with the provisions of the Covenant itself, international co-operation for development and thus for the realization of economic, social and cultural rights was an obligation of all States, and particularly of States which were in a position to assist others in this regard.<sup>388</sup>

442. Additionally, the General Assembly expressed concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights. The General Assembly expressed that concern at the fact that for example a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had not fulfilled their financial obligations, which led to the cancellation of the February/March 1989 session of the Committee on the Elimination of Racial Discrimination and also to the cancellation of the spring 1990 session of the Committee.<sup>389</sup> The General Assembly strongly appealed to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their outstanding contributions. It also requested the Secretary-General to seek to obtain, at the earliest opportunity, the concurrence of the States parties to the Convention to the establishment of a “contingency reserve fund”, as envisaged in Commission on Human Rights resolution 1990/25 of 27 February 1990.<sup>390</sup> Finally, it called upon the States parties, as a matter of priority, to consider all possibilities for establishing a more secure basis for the future financing of all the costs of the Committee.<sup>391</sup>

443. To this end, the General Assembly invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to consider all possible measures for meeting the costs of implementing those treaties on a viable, guaranteed basis, including the amendment of the funding provisions of those treaties.<sup>392</sup> In order to achieve that, the General Assembly thereafter urged States parties to notify the Secretary-General, as depository of the two Conventions, of their acceptance of the amendments approved by the States parties, and by the General Assembly in its resolution 47/111 of 16 December 1996, for the purpose of funding the respective committees from the regular budget of the United Nations.<sup>393</sup> The General Assembly also called upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under those Conventions, and requested the Secretary-General to continue to take necessary measures to ensure that the two Committees met as scheduled until the amendments enter into force.<sup>394</sup>

## (ii) Reporting procedures

### (a) Reporting procedures in general under United Nations instruments on human rights

<sup>388</sup> See HRI/GEN/1/Rev. 7, pp. 15-18.

<sup>389</sup> G A resolutions 44/68 of 8 December 1989 and 45/88 of 14 December 1990.

<sup>390</sup> G A resolution 45/88 of 14 December 1990.

<sup>391</sup> G A resolution 46/83 of 16 December 1991.

<sup>392</sup> G A resolution 46/111 of 17 December 1991.

<sup>393</sup> G A resolutions 48/120 of 20 December 1993 and 49/178 of 23 December 1994.

<sup>394</sup> *Ibid.*

444. During the period under review, and in conformity with their previous practice,<sup>395</sup> the principal organs of the United Nations continued to encourage the fulfilment by States parties of periodic obligations under United Nations instruments on human rights. In order to achieve that, steps continued to be taken towards the necessary lightening of those requirements. In this context, the General Assembly continued to recognize that the effective implementation of instruments on human rights, involving periodic reporting by States parties to the relevant treaty bodies and the efficient functioning of the treaty bodies themselves, not only enhanced international accountability in relation to the promotion and protection of human rights, but also provided States parties with a valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make any appropriate adjustments.<sup>396</sup> However, the General Assembly expressed concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies. The General Assembly again urged States parties to make every effort to meet their reporting obligations and to assist, individually and through meetings of States parties, in identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing co-ordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies.<sup>397</sup>

445. As a result, the General Assembly welcomed the appointment by the Secretary-General, at a request of the Commission on Human Rights<sup>398</sup> approved by the Economic and Social Council,<sup>399</sup> of a task force to prepare a study on computerizing the work of the treaty-monitoring bodies,<sup>400</sup> and thereafter endorsed the recommendations of the task force with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies.<sup>401</sup> The General Assembly also encouraged the Secretary-General to proceed in 1989 with the finalization and in 1990 with the circulation of the detailed reporting manual to the various States parties to the United Nations human rights instruments, to assist them in the fulfilment of their reporting obligations.<sup>402</sup>

446. Towards the treaty bodies, the General Assembly urged them to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States.<sup>403</sup> It also welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services for the fulfilment of reporting obligations. It further urged all States parties whose reports had been examined by treaty bodies to provide adequate

<sup>395</sup> See, for example, *Supplement No. 7*, Article 55, paras. 298-305.

<sup>396</sup> G A resolutions 44/135 of 15 December 1989 and 46/111 of 17 December 1991.

<sup>397</sup> *Ibid*, as well as G A resolutions 47/111 of 16 December 1992 and 48/120 of 20 December 1993.

<sup>398</sup> Commission on Human Rights resolution 1989/46 of 6 March 1989.

<sup>399</sup> E S C decision 1989/142 of 24 May 1989.

<sup>400</sup> G A resolution 44/135 of 15 December 1989.

<sup>401</sup> G A resolution 45/85 of 14 December 1990.

<sup>402</sup> G A resolutions 44/135 of 15 December 1989 and 45/85 of 14 December 1990.

<sup>403</sup> G A resolution 49/178 of 23 December 1994.

follow-up to the observations and final comments of the treaty bodies on their reports.<sup>404</sup>

447. Additionally, the General Assembly welcomed the emphasis by the persons chairing the human rights treaty bodies on the need for the enjoyment of human rights of women to be closely monitored by each treaty body within the competence of its mandate, and endorsed the recommendation by the chairpersons that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties.<sup>405</sup> It also welcomed the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies should urge the States parties to translate, publish and make available to the media the full text of the concluding observations on their reports to the treaty-monitoring bodies, and requested the United Nations High Commissioner for Human Rights to ensure that recent reports and the summary records of committees discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, were made available in the United Nations information centres in the countries submitting reports.<sup>406</sup> Finally, the General Assembly requested the United Nations High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations *Manual on Human Rights Reporting* was available in all official languages at the earliest opportunity and that due regard was paid to the recommendations concerning the *Manual* made by the fifth meeting of persons chairing the human rights treaty bodies.<sup>407</sup>

448. The issue of reporting under United Nations instruments on human rights has also been examined by the World Conference on Human Rights (Vienna 1993). According to the Vienna Declaration and Programme of Action, human rights treaty bodies, meetings of chairpersons of treaty bodies and meetings of States parties should continue to take steps aimed at coordinating the multiple reporting requirements and guidelines for preparing State reports under the respective human rights conventions and to study the suggestion that the submission of one overall report on treaty obligations undertaken by each State would make these procedures more effective and increase their impact.<sup>408</sup>

#### (b) Reporting procedures under each committee

##### **Committee on Economic, Social and Cultural Rights**

449. During the period under review, the principal organs took various steps concerning the implementation of the International Covenant on Economic, Social and Cultural Rights. In this regard, the Economic and Social Council welcomed the decision of the Committee on Economic, Social and Cultural Rights to consider articles 22 and 23 of the Covenant, as well as to continue to focus on article 11 with a view to developing general comments, so as to encourage States parties to the

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<sup>404</sup> G A resolution 49/178 of 23 December 1994.

<sup>405</sup> *Ibid.*

<sup>406</sup> *Ibid.*

<sup>407</sup> *Ibid.*

<sup>408</sup> See Vienna Declaration and Programme of Action, A/CONF: 157/23, pp. 18-19.



Covenant to take appropriate steps to ensure the implementation of that article.<sup>409</sup> The Council also authorized, because of the long-standing backlog of reports and on an exceptional basis, the holding of extraordinary additional sessions of the Committee of three weeks duration, one in the first half of 1993 and another in the first half of 1994.<sup>410</sup> It further authorized a special three-day meeting of the Committee's pre-session working group, to be held immediately following the conclusion of the Committee ninth session, in order to prepare for the consideration of reports of States parties during the extraordinary additional session of the Committee.<sup>411</sup>

450. As for it, the General Assembly commended the States parties to the International Covenant on Economic, Social and Cultural Rights that had submitted their reports under article 16 of the Covenant and urged States parties that had not yet done so to submit their reports as soon as possible.<sup>412</sup> It also invited States parties to give particular attention to the dissemination at the national level of reports they had submitted to the Committee, as well as the summary records relating to the examination of those reports by the Committee.<sup>413</sup> It further requested the Secretary-General to consider ways and means of assisting States parties to the Covenant in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights.<sup>414</sup>

451. Reporting obligations of States parties to the International Covenant on Economic, Social and Cultural Rights have been examined by the Committee on Economic, Social and Cultural Rights at its third session (1989).<sup>415</sup> According to the Committee,

452. "The reporting obligations which are contained in part IV of the Covenant are designed principally to assist each State party in fulfilling its obligations under the Covenant and, in addition, to provide a basis on which the Council, assisted by the Committee, can discharge its responsibilities for monitoring States parties' compliance with their obligations and for facilitating the realization of economic, social and cultural rights in accordance with the provisions of the Covenant. The Committee considers that it would be incorrect to assume that reporting is essentially only a procedural matter designed solely to satisfy each State party's formal obligation to report to the appropriate international monitoring body. On the contrary, in accordance with the letter and spirit of the Covenant, the processes of preparation and submission of reports by States can, and indeed should, serve to achieve a variety of objectives.

453. "A *first objective*, which is of particular relevance to the initial report required to be submitted within two years of the Covenant's entry into force for the State party concerned, is to ensure that a comprehensive review is undertaken with respect to national legislation, administrative rules and procedures, and practices in an effort to ensure the fullest possible conformity with the Covenant. Such a review might, for example, be undertaken in conjunction with each of the relevant national ministries or other authorities responsible for policy-making and implementation in the different fields covered by the Covenant.

<sup>409</sup> E S C resolution 1989/81 of 24 May 1989.

<sup>410</sup> E S C decision 1993/296 of 28 July 1993.

<sup>411</sup> *Ibid.*

<sup>412</sup> G A resolution 44/129 of 15 December 1989.

<sup>413</sup> G A resolution 48/119 of 20 December 1993.

<sup>414</sup> *Ibid.*

<sup>415</sup> See HRI/GEN/1/Rev. 7, Committee on Economic, Social and Cultural Rights, General comment No. 1: Reporting by States parties, pp. 9-11.

454. “A *second objective* is to ensure that the State party monitors the actual situation with respect to each of the rights on a regular basis and is thus aware of the extent to which the various rights are, or are not, being enjoyed by all individuals within its territory or under its jurisdiction. From the Committee’s experience to date, it is clear that the fulfilment of this objective cannot be achieved only by the preparation of aggregate national statistics or estimates, but also requires that special attention be given to any worse-off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged.

455. “While monitoring is designed to give a detailed overview of the existing situation, the principal value of such an overview is to provide the basis for the elaboration of clearly stated and carefully targeted policies, including the establishment of priorities which reflect the provisions of the Covenant. Therefore, a *third objective* of the reporting process is to enable the Government to demonstrate that such principled policy-making has in fact been undertaken.

456. “A *fourth objective* of the reporting process is to facilitate public scrutiny of government policies with respect to economic, social and cultural rights and to encourage the involvement of the various economic, social and cultural sectors of society in the formulation, implementation and review of the relevant policies.

457. “A *fifth objective* is to provide a basis on which the State party itself, as well as the Committee, can effectively evaluate the extent to which progress has been made towards the realization of the obligations contained in the Covenant. For this purpose, it may be useful for States to identify specific benchmarks or goals against which their performance in a given area can be assessed. In this regard. The Committee wishes to note that the Covenant attaches particular importance to the concept of “progressive realization” of the relevant rights and, for that reason, the Committee urges States parties to include in their periodic reports information which shows the progress over time, with respect to the effective realization of the relevant rights.

458. “A *sixth objective* is to enable the State party itself to develop a better understanding of the problems and shortcomings encountered in efforts to realize progressively the full range of economic, social and cultural rights. For this reason, it is essential that States parties report in detail on the “factors and difficulties” inhibiting such realization. This process of identification and recognition of the relevant difficulties then provides the framework within which more appropriate policies can be devised.

459. “A *seventh objective* is to enable the Committee, and the States parties as a whole, to facilitate the exchange of information among States and to develop a better understanding of the common problems faced by States and a fuller appreciation of the type of measures which might be taken to promote effective realization of each of the rights contained in the Covenant. This part of the process also enables the Committee to identify the most appropriate means by which the international community might assist States, in accordance with articles 22 and 23 of the Covenant.”

460. In order to underline the importance which the Committee on Economic, Social and Cultural Rights attached to that seventh objective, a separate general comment on article 22 of the Covenant on international technical assistance measures, was discussed by the Committee at its fourth session (1990).<sup>416</sup> According to the Committee,

461. “In an effort to encourage the operationalization of the principle contained in article 22 of the Covenant, the Committee wishes to draw attention to the following specific measures which merit consideration by the relevant bodies :

462. “ (a) As a matter of principle, the appropriate United Nations organs and agencies should specifically recognize the intimate relationship which should be established between development activities and efforts to promote respect for human rights in general, and economic, social and cultural rights in particular. The Committee notes in this regard the failure of each of the first three United

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<sup>416</sup> See HRI/GEN/1/Rev. 7, Committee on Economic, Social and Cultural Rights, General comment No. 2: International technical assistance measures (article 22 of the Covenant), pp. 12-14.

Nations Development Decade Strategies to recognize that relationship and urges that the fourth such strategy, to be adopted in 1990, should rectify that omission;

463.“ (b) Consideration should be given by United Nations agencies to the proposal, made by the Secretary-General in a report of 1979<sup>417</sup> that a “human rights impact statement” be required to be prepared in connection with all major development co-operation activities;

464.“ © The training or briefing given to project and other personnel employed by United Nations agencies should include a component dealing with human rights standards and principles;

465.“ (d) Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenants are duly taken into account. This would apply, for example, in the initial assessment of the priority needs of a particular country, in the identification of particular projects, in project design, in the implementation of the project, and in its final evaluation.

466.“A matter which has been of particular concern to the Committee in the examination of the reports of States parties is the adverse impact of the debt burden and of the relevant adjustment measures on the enjoyment of economic, social and cultural rights in many countries. International measures to deal with the debt crisis should take full account of the need to protect economic, social and cultural rights through, *inter alia*, international co-operation. In many situations, this might point to the need for major debt relief initiatives.

467. “Finally, the Committee wishes to draw attention to the important opportunity provided to States parties, in accordance with article 22 of the Covenant, to identify in their reports any particular needs they might have for technical assistance or development co-operation”.

### **Human Rights Committee**

468. Concerning the implementation of the International Covenant on Civil and Political Rights, the General Assembly expressed its appreciation to States parties to the Covenant that had submitted their reports to the Human Rights Committee under article 40 of the Covenant and urged States parties that had not yet done so to submit their reports as speedily as possible.<sup>418</sup>

469. In addition, the General Assembly urged those States parties to the Covenant that had been requested by the Human Rights Committee to provide additional information to comply with that request. It also invited States parties to take duly into account, in implementing the provisions of the Covenant, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee. It further invited States parties to give particular attention to the dissemination at the national level of the reports they had submitted to the Human Rights Committee, as well as the summary records relating to the examination of those reports by the Committee.<sup>419</sup>

### **Committee on the Elimination of Racial Discrimination**

470. As in the past, the General Assembly continued to explore questions relating to racism and racial discrimination, notably by considering the work of the Committee on the Elimination of Racial Discrimination. In this connection, the General Assembly reiterated once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of the

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<sup>417</sup> See E/CN.4/1334, para. 314.

<sup>418</sup> G A resolution 44/129 of 15 December 1989.

<sup>419</sup> G A resolution 48/119 of 20 December 1993.

system of *apartheid* in South Africa and Namibia.<sup>420</sup> It called upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their obligations under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on the measures taken to implement the Convention. It also endorsed the decision of the Committee to hold one of its regular sessions in New York, if resources were available, in commemoration of its twentieth year of activities under the Convention, to coincide with the International Day for the Elimination of Racial Discrimination, 21 March 1990.<sup>421</sup>

471. Regarding the financing of the Committee, the General Assembly welcomed the decision taken at the Fourteenth Meeting of States parties to the Convention on 15 January 1992 to amend paragraph 6 of article 8 of the Convention and to add a new paragraph as paragraph 7 of article 8, by which the members of the Committee would henceforth receive emoluments from the United Nations resources on such terms and conditions as might be decided by the General Assembly,<sup>422</sup> decision which would enter into force once two thirds of the States parties notified the Secretary-General as depositary that they agreed to the amendments.<sup>423</sup> To this end, the General Assembly urged States parties to accelerate their domestic ratification procedures with regard to those amendments, so that they could enter into force.<sup>424</sup>

472. Moreover, the General Assembly welcomed the innovative procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports were overdue and for formulating concluding observations on State party reports.<sup>425</sup> It further took note of the general recommendations adopted by the Committee, which concretized the obligations of States parties with regard to the provisions of the Convention, especially general recommendation XII (42) on successor States, and general recommendation XV (42) on article 4 of the Convention.<sup>426</sup>

473. Additionally, the General Assembly encouraged the Committee to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its Programme of Action, including by convening a joint meeting of the Committee and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.<sup>427</sup> It also welcomed the beginning of communication between the Committee and the newly appointed United Nations High Commissioner for Human Rights and encouraged its continuation.<sup>428</sup>

474. Concerning the preparation of States parties reports, the Committee elaborated, at its thirty-ninth session (1991),<sup>429</sup> a general comment about technical assistance on the matter, in which it requested the Secretary-General to organize, in

<sup>420</sup> G A resolution 44/68 of 8 December 1989.

<sup>421</sup> *Ibid.*

<sup>422</sup> G A resolutions 47/78 of 16 December 1992 and 47/111 of 16 December 1992.

<sup>423</sup> G A resolution 49/144 of 23 December 1994.

<sup>424</sup> G A resolutions 48/90 of 20 December 1993 and 49/145 of 23 December 1994.

<sup>425</sup> G A resolution 47/79 of 16 December 1992.

<sup>426</sup> G A resolution 48/90 of 20 December 1993.

<sup>427</sup> G A resolution 49/145 of 23 December 1994.

<sup>428</sup> *Ibid.*

<sup>429</sup> See HRI/GEN/1/Rev. 7, Committee on the Elimination of Racial Discrimination, General comment No. X concerning technical assistance, p. 204.

consultation with the States concerned, appropriate national training courses and workshops for their reporting officials, and recommended that the services of the staff of the Centre for Human Rights as well as of the experts of the Committee should be utilized, as appropriate, in the conduct of such training courses and workshops.

### **Committee on the Elimination of Discrimination against Women**

475. During the period under review, the General Assembly examined the issue of elimination of discrimination against women notably through the work of the Committee on the Elimination of Discrimination against Women. In this regard, the General Assembly noted that the Committee agreed, in examining reports, to take due account of the different cultural and socio-economic systems of States parties to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>430</sup> The General Assembly also strongly supported general recommendation No. 19 of the Committee on violence against women, and called upon States parties to prepare their periodic reports in accordance with that and other general recommendations of the Committee.<sup>431</sup> It welcomed the efforts made by the Committee to rationalize its procedures and expedite the consideration of periodic reports and to develop procedures and guidelines for the consideration of second and subsequent periodic reports, and strongly encouraged the Committee to continue those efforts.<sup>432</sup> It also welcomed, in accordance with the Committee's general recommendation No. 11, the initiatives taken to provide regional training courses on the preparation and drafting of reports of States parties for government officials, and training and information seminars for States considering acceding to the Convention, and urged the relevant organs and organizations of the United Nations to support such initiatives.<sup>433</sup>

476. In addition, the General Assembly welcomed the establishment of a pre-session working group of the Committee to consider second and subsequent periodic reports, which should greatly expedite the work of the Committee, and urged that that practice be continued, within the regular budget allocation.<sup>434</sup> It also took note of the recommendation by the meeting of persons chairing the human rights treaty bodies that the Secretary-General should allocate sufficient resources from the existing regular budget of the United Nations to the Committee, and that the Committee should be allocated additional meeting time until the backlog of pending reports had been eliminated.<sup>435</sup> In this context, the General Assembly supported the request of the Committee, through the Economic and Social Council,<sup>436</sup> for additional meeting time with adequate support from the Secretariat, and requested that the twelfth and thirteenth sessions,<sup>437</sup> as well as the fourteenth and fifteenth sessions of the Committee,<sup>438</sup> should be of three weeks duration, so that the Committee removed the backlog of reports to be considered. To this end, the General Assembly also

<sup>430</sup> G A resolutions 45/124 of 14 December 1990 and 47/94 of 16 December 1992.

<sup>431</sup> G A resolutions 47/94 of 16 December 1992 and 49/164 of 23 December 1994 ; see also E S C resolution 1992/17 of 30 July 1992.

<sup>432</sup> G A resolutions 45/124 of 14 December 1990 and 47/94 of 16 December 1992.

<sup>433</sup> *Ibid.*, and G A resolution 49/164 of 23 December 1994.

<sup>434</sup> G A resolution 45/124 of 14 December 1990.

<sup>435</sup> G A resolutions 47/94 of 16 December 1992 and 49/178 of 23 December 1994.

<sup>436</sup> E S C resolution 1992/17 of 30 July 1992.

<sup>437</sup> G A resolution 47/94 of 16 December 1993.

<sup>438</sup> G A resolution 49/164 of 23 December 1994.

recommended that the States parties consider the possibility of amending article 20 of the Convention so as to allow for sufficient meeting time for the Committee.<sup>439</sup>

477. Furthermore, concerning the relationship between the work of the Committee and the one of the Commission on the Status of Women, the General Assembly recognized the special relevance of the periodic reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women to the efforts of the Commission on the Status of Women to review and appraise the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women in those countries.<sup>440</sup> Therefore, the General Assembly recommended that the meetings of the Committee were scheduled, whenever possible, to allow for the timely transmission of the results of its work to the Commission on the Status of Women, for information, in the same year.<sup>441</sup>

478. Finally, as regards reporting obligations of States parties, the Committee adopted at its eighth session (1989)<sup>442</sup> a general comment in which it welcomed the request in General Assembly resolution 43/115 of 8 December 1988 that the Secretary-General should arrange, within existing resources and taking into account the priorities of the programme of advisory services, further training courses for those countries experiencing the most serious difficulties in meeting their reporting obligations under international instruments on human rights, and recommended to States parties that they should encourage, support and cooperate in projects for technical advisory services, including training seminars, to assist States parties on their request in fulfilling their reporting obligations under the Convention.

### **Committee against Torture**

479. During the period under review, the mechanisms established for the eradication of torture and other cruel, inhuman or degrading treatment or punishment passed an important step with the adoption by the Committee against Torture of its rules of procedure. In this context, the General Assembly welcomed the attention that the Committee against Torture had given to the development of an effective system of reporting on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by States parties, and especially its decision to revise its general guidelines for the submission of initial reports by States parties.<sup>443</sup> The General Assembly also welcomed and took note of the decision taken at the Conference of States Parties to the Convention, on 9 September 1992, to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to insert a new paragraph, as paragraph 4 of article 18, by which the members of the Committee against Torture should receive emoluments from the United Nations resources on such terms and conditions as might be decided by the General Assembly.<sup>444</sup> The General Assembly urged all States parties to the Convention to

<sup>439</sup> G A resolution 49/164 of 23 December 1994.

<sup>440</sup> *Ibid.*

<sup>441</sup> *Ibid.*

<sup>442</sup> See HRI/GEN/1/Rev. 7, Committee on the Elimination of Discrimination against Women, General recommendation No. 11 : Technical advisory services for reporting obligations, p. 239.

<sup>443</sup> G A resolutions 44/144 of 15 December 1989, 45/142 of 14 December 1990, 47/113 of 16 December 1992 and 49/177 of 23 December 1994.

<sup>444</sup> G A resolutions 47/111 of 16 December 1992 and 47/113 of 16 December 1992.

notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible.<sup>445</sup> It further commended the Centre for Human Rights of the Secretariat for the advisory services and technical assistance it provided to States parties, at their request, in preparing national reports to the Committee.<sup>446</sup>

### **Committee on the Rights of the Child**

480. During the period under review, the mechanisms established for the protection of the rights of the child passed an important step with the entry into force on 2 September 1990 of the Convention on the Rights of the Child, and consequently with the establishment of the Committee on the Rights of the Child as an essential mechanism for overseeing the effective implementation of the provisions of the Convention. In this context, the General Assembly noted that the Committee on the Rights of the Child held its first session from 30 September to 18 October 1991,<sup>447</sup> and welcomed the constructive and useful results achieved by the Committee during that session, including the adoption of the general guidelines regarding the form and contents of initial reports to be submitted by States parties.<sup>448</sup>

481. The General Assembly also supported, by its resolution 46/112 of 17 December 1991, the organization of the future work of the Committee on the basis of two sessions annually, each for a duration of two or three weeks, and the establishment of a pre-sessional working group for a preliminary review of report from States parties. Thereafter, in its resolution 49/211 of 23 December 1994, the General Assembly approved the recommendation contained in the resolution adopted by consensus at the meeting of the States parties to the Convention on 10 October 1994, in which the States parties reaffirmed the recommendation made by the Committee regarding the increase to three of the number of annual sessions of the Committee as from 1995, as well as the number of sessions of the pre-sessional working group. In the same resolution, the General Assembly also called upon States parties to submit their reports to the Committee on time, in accordance with the guidelines elaborated for that purpose. It further welcomed the consideration by the Committee of the reservations and declarations entered by States parties to the Convention as a part of its important functions in overseeing the effective implementation of the Convention.<sup>449</sup>

#### **b) Special mechanisms and procedures**

482. During the period under review, special mechanisms and procedures continued to be established, specially through country and thematic mandates.

##### **(i) Country mandates**

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<sup>445</sup> G A resolution 49/177 of 23 December 1994.

<sup>446</sup> *Ibid.*

<sup>447</sup> G A resolution 46/112 of 17 December 1991.

<sup>448</sup> G A resolution 47/112 of 16 December 1992.

<sup>449</sup> G A resolution 49/211 of 23 December 1994.

483. As in the past,<sup>450</sup> the principal organs of the United Nations continued to examine the situation of human rights in several countries. That was achieved mainly with the assistance of the Commission on Human Rights and its subsidiary bodies, such as Special Rapporteurs, Special Representatives, Independent Experts and *ad hoc* Working Groups.

### South Africa

484. Regarding the situation in South Africa<sup>451</sup> and in conformity with its previous practice,<sup>452</sup> the Economic and Social Council continued to approve the Commission on Human Rights decisions to renew for one year<sup>453</sup> and for two years<sup>454</sup> the mandate of the *Ad Hoc* Working Group of Experts on Southern Africa. The Council also approved the authorization given by the Commission to the *Ad hoc* Working Group to participate in conferences, symposia, seminars or other events connected with action against *apartheid* organized under the auspices of the Special Committee against *Apartheid*.

485. Concerning the implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,<sup>455</sup> the Council approved in 1989<sup>456</sup> and in 1990<sup>457</sup> the Commission's decisions that the Group of Three of the Commission, established in accordance with article IX of the Convention, should meet for a period of not more than five days before the sessions of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention. The Council also approved the Commission's requests to the Secretary-General to provide all necessary assistance to the Group of Three.

### Equatorial Guinea

486. Concerning the situation in Equatorial Guinea and as in the past,<sup>458</sup> the Economic and Social Council approved the Commission on Human Rights' request to the Secretary-General to provide such advisory services and other forms of appropriate assistance in the field of human rights as might be requested by the Government of Equatorial Guinea and to extend the mandate of the Expert responsible for co-operating with that Government in the full implementation of the Plan of Action proposed by the United Nations and accepted by the Government.<sup>459</sup> In 1992, the Council approved the Commission's request to its Chairman to appoint an expert of the Commission whose mandate would be to make a thorough study of the violations of human rights by the Government of Equatorial Guinea.<sup>460</sup>

<sup>450</sup> See *Supplement No. 7*, Article 55, paras. 313-332.

<sup>451</sup> See also this *Supplement*, paras. 287-291.

<sup>452</sup> See *Supplement No. 7*, Article 55, para. 332.

<sup>453</sup> See E S C decisions 1989/136 of 24 May 1989 and 1990/228 of 25 May 1990.

<sup>454</sup> See E S C decisions 1991/237 of 31 May 1991 and 1993/257 of 28 July 1993.

<sup>455</sup> See G A resolution 3068 (XXVIII) of 30 November 1973, annex.

<sup>456</sup> See E S C decision 1989/137 of 24 May 1989.

<sup>457</sup> See E S C decision 1990/223 of 25 May 1990.

<sup>458</sup> See *Supplement No. 7*, Article 55, para. 314.

<sup>459</sup> See E S C decisions 1989/151 of 24 May 1989, 1990/236 of 25 May 1990 and 1991/260 of 31 May 1991.

<sup>460</sup> See E S C decision 1992/247 of 20 July 1992; also E S C decision 1993/277 of 28 July 1993.



### Afghanistan

487. With regard to the human rights situation in Afghanistan, the General Assembly continued to examine the interim reports of the Special Rapporteur of the Commission on Human Rights on the question of human rights in that country.<sup>461</sup> As a result, the General Assembly noted the continuation of the armed conflict which left large numbers of innocent victims and caused enormous suffering to the civilian population. It urged all parties to the conflict to release all prisoners of war, and to facilitate the return of refugees and displaced persons in safety.<sup>462</sup> It also called upon the Afghan authorities to investigate thoroughly the fate of persons who had disappeared, to treat all prisoners in accordance with the internationally recognized principles of humanitarian law and with the Standard Minimum Rules for the Treatment of Prisoners, and to allow the International Committee of the Red Cross to visit them regularly in accordance with its established criteria.<sup>463</sup>

488. In its resolution 45/174 of 18 December 1990,<sup>464</sup> the General Assembly also welcomed the co-operation of the Afghan authorities with the Special Rapporteur, and the fact that the Special Rapporteur was able to visit areas in Afghanistan not under government control. It urged all parties concerned to work for the achievement of a comprehensive political solution based on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to the people, including free and fair elections, and the creation of conditions conducive to the return of refugees to their homeland in safety and honour and the full enjoyment of human rights and fundamental freedoms by all Afghans.<sup>465</sup>

489. By resolution 47/141 of 18 December 1992, the General Assembly noted that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992.<sup>466</sup> It also noted that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, which was affecting mainly the civilian population, continued to exist in parts of the territory of Afghanistan, and that much remained to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 1949<sup>467</sup> and the Additional Protocols thereto of 1977.<sup>468</sup> The General Assembly welcomed the co-operation that authorities in Afghanistan had extended to the Special Rapporteur in view of the circumstances in the country. It recognized that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and called upon all Afghans parties to respect human rights and accepted humanitarian rules, as well as to make all efforts for the release, as soon as possible, of all prisoners of war, considering that the hostilities in which the former Soviet

<sup>461</sup> See, for example, A/44/669, annex ; A/45/664; A/46/606.

<sup>462</sup> G A resolutions 44/161 of 15 December 1989, 45/174 of 18 December 1990.

<sup>463</sup> *Ibid.*

<sup>464</sup> See also G A resolution 46/136 of 17 December 1991.

<sup>465</sup> G A resolutions 45/174 of 18 December 1990 and 46/136 of 17 December 1991.

<sup>466</sup> See A/47/656, annex, appendix I.

<sup>467</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>468</sup> *Ibid.*, vol. 1125, Nos. 17512 and 17513.

Union was involved had legally and effectively ended. It also appealed to all Member States, humanitarian organizations and all parties concerned to co-operate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity.<sup>469</sup>

490. In its subsequent resolutions,<sup>470</sup> the General Assembly recalled all its resolutions adopted on the question, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council. It also, *inter alia*, strongly urged all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programme of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which had caused loss of life among that personnel.

491. Throughout the period under review, the General Assembly continued to urge all parties concerned in Afghanistan to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur. It also decided to keep under consideration the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.<sup>471</sup>

### Islamic Republic of Iran

492. Concerning the situation of human rights in the Islamic Republic of Iran, the General Assembly in 1989 noted the interim report of the Special Representative of the Commission on Human Rights,<sup>472</sup> welcomed the invitation by the Islamic Republic of Iran to the Special Representative for him to visit the country, and decided to continue its examination of the situation of human rights in the Islamic Republic of Iran in the light of additional elements to be provided by the Commission and the Economic and Social Council.<sup>473</sup>

493. In its resolution 45/173 of 18 December 1990, the General Assembly welcomed the two visits paid by the Special Representative of the Commission to the Islamic Republic of Iran during the course of 1990 and the two reports presented following those visits,<sup>474</sup> which had provided useful information and clarified a number of allegations of violations of human rights. It called upon the Islamic Republic of Iran to reply in detail to all allegations referred to by the Special Representative in his reports, to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative, in particular as regards the administration of justice and due process of law in order to comply with international instruments on human rights, including the International Covenant on Civil and

<sup>469</sup> G A resolution 47/141 of 18 December 1992.

<sup>470</sup> See G A resolutions 48/152 of 20 December 1993 and 49/207 of 23 December 1994.

<sup>471</sup> See, for example, G A resolutions 44/161 of 15 December 1989, 45/174 of 18 December 1990, 46/136 of 17 December 1991, 47/141 of 18 December 1992, 48/152 of 20 December 1993 and 49/207 of 23 December 1994.

<sup>472</sup> See A/44/620, annex.

<sup>473</sup> G A resolution 44/163 of 15 December 1989.

<sup>474</sup> See E/CN.4/1990/24 and A/45/697.

Political Rights to which the Islamic Republic of Iran was a party; and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in those instruments. The General Assembly also requested the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights of the Secretariat, to requests for technical assistance from the Government of the Islamic Republic of Iran.<sup>475</sup>

494. In resolution 47/146 of 18 December 1992 and subsequent resolutions,<sup>476</sup> the General Assembly expressed its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran. It regretted that the Government of the Islamic Republic of Iran, after having allowed the Special representative of the Commission on Human Rights to pay three visits to that country, had discontinued its co-operation with him and also had not given adequate follow-up to many of the recommendations contained in his previous reports. The General Assembly therefore called upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law. It endorsed the view of the Special Representative that the international monitoring of the human rights situation in the country should be continued. It also encouraged the Government of the Islamic Republic of Iran to resume co-operation with the Special Representative, and decided to continue the examination of the human rights situation in the country in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.<sup>477</sup>

### El Salvador

495. Regarding the situation of human rights in El Salvador, the General Assembly continued as in the previous review period<sup>478</sup> to consider the reports submitted by the Special Representative of the Commission on Human Rights on the situation of human rights in that country. In his reports,<sup>479</sup> the Special Representative continued to point out, *inter alia*, that a situation of generalized warlike violence continued to exist, that a number of attacks on life and economic structure remained a cause for concern, and that the number of political prisoners, summary executions, enforced disappearances, torture and abductions had increased. Consequently, the General Assembly again expressed its deep concern at the fact that serious and numerous violations of human rights continued to take place in the country and therefore requested the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict.<sup>480</sup> The General Assembly also deeply deplored the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continued to be extremely unsatisfactory, and consequently urged the competent authorities to accelerate the adoption of the measures necessary for ensuring the effectiveness of the system and its compatibility with the commitments made in the field of human rights. It further urged the parties to the conflict to adopt immediate measures to put an end to attacks

<sup>475</sup> G A resolution 45/173 of 18 December 1990.

<sup>476</sup> G A resolutions 48/145 of 20 December 1993 and 49/202 of 23 December 1994.

<sup>477</sup> *Ibid.*

<sup>478</sup> See *Supplement No. 7*, Article 55, paras. 318-319.

<sup>479</sup> See, for example, A/44/671; A/45/630; A/46/529, annex.

<sup>480</sup> See for example G A resolution 44/165 of 15 December 1989.

on the life, integrity and dignity of persons outside, during and as a result of combat situations. The Assembly renewed its appeal to the Government, as well as to the other parties concerned, to continue co-operating with the Special Representative of the Commission on Human Rights.<sup>481</sup>

496. In its resolution 45/172 of 18 December 1990 and subsequent resolutions,<sup>482</sup> the General Assembly continued to be concerned about the persistence of the armed conflict and of politically motivated violations of human rights in El Salvador. In this context, it supported the work of intermediation done by the Secretary-General and his Personal Representative in the search for a negotiated political solution to the conflict, and requested the Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional to continue their dialogue and foster agreements with a view to a firm and lasting peace, and to continue co-operating with the Special representative of the Commission on Human Rights.

497. As for it, the Economic and Social Council approved the Commission on Human Rights' request to the Secretary-General to appoint an independent expert to provide assistance in human rights matters to the Government of El Salvador, and to investigate the manner in which both parties apply the recommendations contained in the different reports on human rights in the country.<sup>483</sup>

### Chile

498. As regards the situation of human rights in Chile, at its forty-fourth session, the General Assembly took note of the report of the Special Rapporteur of the Commission on Human Rights submitted in accordance with Commission resolution 1989/62 of 5 March 1989,<sup>484</sup> and congratulated the Chilean people on their peaceful progress towards the re-establishment of a representative and pluralist democracy based on respect for human rights and fundamental freedoms, and for reaffirming their will to achieve peace and national reconciliation through the restoration of justice.<sup>485</sup> The General Assembly also took note with satisfaction of the decision by the Government of Chile to incorporate the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into domestic law.<sup>486</sup>

499. Nevertheless, the General Assembly regretted in the same resolution the decision of the Government of Chile to discontinue its co-operation with the Special Rapporteur in the fulfilment of his mandate and urged it to resume such co-operation in compliance with the resolutions of the General Assembly and the Commission on Human Rights.<sup>487</sup> The General Assembly again expressed its serious concern at the persistence of violations of human rights in Chile and urged the Government to continue to make progress regarding respect for human rights for all the Chilean

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<sup>481</sup> See for example G A resolution 44/165 of 15 December 1989.

<sup>482</sup> See G A resolutions 46/133 of 17 December 1991, 47/140 of 18 December 1992 and 48/149 of 20 December 1993.

<sup>483</sup> See E S C decisions 1992/237 of 20 July 1992 and 1993/284 of 28 July 1993.

<sup>484</sup> See A/44/635.

<sup>485</sup> G A resolution 44/166 of 15 December 1989.

<sup>486</sup> *Ibid.*

<sup>487</sup> *Ibid.*

people, including the indigenous peoples. It also urged the Government of Chile to ensure the independence of the judiciary and the effectiveness of judicial remedies, and to investigate all cases of serious violations of human rights that occurred in the past, bearing in mind the reports of Special Rapporteurs. It further invited the Commission on Human Rights to continue to evaluate the situation of human rights in Chile in the light of developments in the situation.<sup>488</sup>

### **Kuwait under Iraqi occupation**

500. Concerning the situation of human rights in occupied Kuwait, the General Assembly condemned the invasion of Kuwait on 2 August 1990 by the military forces of Iraq, and also condemned the Iraqi authorities and occupying forces for their serious violations of human rights against the Kuwaiti people and third-State nationals and, in particular, the continued and increasing acts of torture, arrests, summary executions, disappearances and abduction in violation of the Charter of the United Nations, the International Covenants on Human Rights, other relevant human rights instruments and the relevant instruments of humanitarian law.<sup>489</sup> The General Assembly expressed its serious concern about the systematic dismantling and pillaging of and attacks on the economic infrastructure of Kuwait, which seriously undermined the present and future enjoyment by the Kuwaiti people of the economic, social and cultural rights. It also expressed its grave concern at the living conditions in occupied Kuwait, especially those of women, children, elderly and third-State nationals, which were becoming increasingly difficult. It expected Iraq to guarantee respect for international standards applicable under international law, in particular with reference to the protection of the civilian population, and to comply with its obligations under the Charter and international law in respect of third-State nationals and, therefore, demanded that Iraq released all nationals of third States. Finally, it requested the Commission on Human Rights to consider the situation of human rights in occupied Kuwait and decided to keep under consideration the situation of human rights in occupied Kuwait.<sup>490</sup>

501. In its subsequent resolution 46/135 of 17 December 1991, the General Assembly requested the Government of Iraq to provide, in accordance with its obligations under articles 120 and 121 of the Geneva Convention relative to the Treatment of Prisoners of War and articles 129 and 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who might have died during or after that period while in detention, as well as on the site of their graves. The General Assembly also requested the Government of Iraq to co-operate with and facilitate the work of international humanitarian organizations, notably the International Committee of the Red Cross, in their search for and eventual repatriation of Kuwaiti and third-country national detainees and missing persons.

### **Myanmar**

502. With regard to the situation in Myanmar, the General Assembly recalled that the Government of Myanmar had assured the General Assembly and other United

<sup>488</sup> G A resolution 44/166 of 15 December 1989.

<sup>489</sup> G A resolution 45/170 of 18 December 1990.

<sup>490</sup> *Ibid.*

Nations bodies of its intention to take all necessary steps towards democracy in the light of the elections held in 1990.<sup>491</sup> It expressed its concern at the information on the grave human rights situation in that country, including reports of torture and arbitrary execution, continued detention of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed in particular at ethnic and religious minorities. The General Assembly stressed the need for an early improvement of that situation; it urged the Government of Myanmar to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy in particular through the transfer of power to the democratically elected representatives; it called upon the Government of Myanmar to release political leaders and political prisoners; it also called upon that Government to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and to co-operate fully with the relevant United Nations organs on that matter.<sup>492</sup>

### **Iraq**

503. Concerning the situation of human rights in Iraq, the General Assembly recalled Commission on Human Rights resolution 1991/74 of 6 March 1991 in which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq.<sup>493</sup> The General Assembly took note of the interim report of the Special Rapporteur and the considerations and observations contained therein.<sup>494</sup> It expressed its concern about the numerous and detailed allegations of grave human rights violations by the Government of Iraq to which the Special Rapporteur had referred in his report. It also called upon the Government of Iraq, as a State party to the International Covenant on Civil and Political Rights, to abide by its obligations under that Covenant and under other international instruments on human rights. The General Assembly regretted the failure of the Government of Iraq to provide satisfactory replies to all the allegations of violations of human rights, and called upon it to reply quickly in a comprehensive and detailed manner to those allegations so as to enable the Special Rapporteur to form an accurate assessment as a basis for his recommendations to the Commission on Human Rights.<sup>495</sup> The General Assembly urged, therefore, the Government of Iraq to accord its full co-operation to the Special Rapporteur. It decided to continue the examination of human rights in Iraq in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.<sup>496</sup>

### **Haiti**

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<sup>491</sup> G A resolutions 46/132 of 17 December 1991, 47/144 of 18 December 1992, 48/150 of 20 December 1993 and 49/197 of 23 December 1994.

<sup>492</sup> *Ibid.*

<sup>493</sup> G A resolution 46/134 of 17 December 1991.

<sup>494</sup> See A/46/647, annex. See also A/47/367 and Add.1; A/48/600, annex; A/49/651, annex.

<sup>495</sup> G A resolutions 46/134 of 17 December 1991, 47/145 of 18 December 1992, 48/144 of 20 December 1993 and 49/203 of 23 December 1994.

<sup>496</sup> *Ibid.*

504. Regarding human rights in Haiti, the General Assembly condemned the flagrant human rights violations committed under the illegal Government set up following the coup of 29 September 1991, particularly summary executions, arbitrary arrests and detentions, torture, searches without warrant, rape, ransacking of private and public buildings, restrictions on the freedoms of movement, expression, assembly and association and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide.<sup>497</sup> The General Assembly also called the attention of the international community to the fate of the Haitian nationals who were fleeing the country, not only because of the serious deterioration in economic and social conditions, but also because of indiscriminate political persecution and repression, and requested the support of the international community for the efforts undertaken to assist them. It further decided to keep the situation of human rights and fundamental freedoms in Haiti under review and to consider it further in the light of the information supplied by the Commission on Human Rights and the Economic and Social Council.<sup>498</sup>

505. In resolution 47/20 B of 20 April 1993, the General Assembly took note of the report of the Secretary-General on the situation of democracy and human rights in Haiti,<sup>499</sup> approved that report and the recommendations contained therein, and decided to authorize the deployment without delay of the United Nations participation in the International Civilian Mission to Haiti, with the task of verifying compliance with Haiti's international human rights obligations, with a view to making recommendations thereon, in order to assist in the establishment of a climate of freedom and tolerance propitious to the re-establishment of democracy in Haiti. The General Assembly reiterated the need for an early return of President Aristide to resume his constitutional functions as President, as the means to restore without further delay the democratic process in Haiti. It strongly supported the process of political dialogue under the auspices of the Special Envoy with a view to resolving the political crisis in Haiti. It also requested the Secretary-General to make regular reports to it on the work of the International Civilian Mission to Haiti, and decided to keep open the consideration of that item until a solution to the situation was found.<sup>500</sup>

506. In resolution 49/201 of 23 December 1994, the General Assembly expressed its satisfaction at the return of President Jean-Bertrand Aristide to Haiti on 15 October 1994 and the re-establishment of constitutional order. It urged the Haitian authorities to continue to promote full respect for human rights, in conformity with the relevant international covenants in the field of human rights. It decided to continue its consideration of the situation of human rights in Haiti on the basis of information provided by the Commission on Human Rights and the Economic and Social Council.

507. In resolution 49/27 B of 12 July 1995, the General Assembly decided on the recommendation of the Secretary-General contained in his report on the situation of democracy and human rights in Haiti,<sup>501</sup> to authorize the extension of the mandate of the United Nations component of the International Civilian Mission to Haiti until 7 February 1996, according to the terms of reference and modalities under which the

<sup>497</sup> G A resolutions 46/138 of 17 December 1991 and 47/143 of 18 December 1992.

<sup>498</sup> *Ibid.*

<sup>499</sup> See A/47/908.

<sup>500</sup> G A resolution 47/20 B of 20 April 1993. See also G A resolution 48/151 of 20 December 1993.

<sup>501</sup> See A/49/926.

Mission was operating. The General Assembly expressed its full support for the Mission and trusted that the Government of Haiti would continue to afford it timely, complete and effective co-operation. It also paid tribute to the Haitian people in their ongoing quest for strong and lasting democracy, economic prosperity and national reconciliation. It welcomed the prospect of free and fair presidential elections and the smooth transition to a new, democratically elected government in February 1996, in accordance with the Constitution of Haiti. It further expressed its appreciation to those States which had assisted in the restoration of democracy to Haiti and the return of President Jean-Bertrand Aristide to office, including those participating in the United Nations Mission, and requested the Secretary-General to submit to it regular reports on the work of the Mission.<sup>502</sup>

### **Estonia and Latvia**

508. As regards the situation of human rights in Estonia and Latvia, the General Assembly noted the complaint of alleged violations of human rights with respect to the Russian-speaking population in those countries, and took note of the conclusions and recommendations made by the United Nations fact-finding mission that visited Riga in October 1992 at the invitation of the Government of Latvia.<sup>503</sup> The General Assembly welcomed the co-operation that that Government had extended to the United Nations fact-finding mission, and also welcomed the invitation of the Government of Estonia to receive a similar United Nations fact-finding mission and its intention to extend to it its co-operation.<sup>504</sup> The General Assembly called upon the States concerned to intensify their efforts on the bilateral level aimed at resolving concerns with regard to the situation of the Russian-speaking population on the basis of generally accepted norms of international law in the field of human rights.<sup>505</sup>

509. In resolution 48/155 of 20 December 1993, the General Assembly took note of the report of the Secretary-General and of the conclusions and recommendations therein of the United Nations fact-finding missions to Estonia and Latvia,<sup>506</sup> welcomed the co-operation that the Governments of Estonia and Latvia had extended to various international fact-finding missions, noted the existence of unresolved issues that involved large groups of population of different ethnic origin, requested the Secretary-General to keep Member States informed of the situation of human rights in those countries, and decided to consider the question at one of its future sessions.

### **Cuba**

510. Concerning the situation of human rights in Cuba, the General Assembly noted concern about reports of serious violations of human rights in Cuba, as outlined in the interim reports on the situation of human rights in the country presented to the General Assembly by the Special Rapporteur,<sup>507</sup> and recalled the failure of the Government of Cuba to co-operate with the Commission on Human Rights by

<sup>502</sup> G A resolution 49/27 B of 12 July 1995.

<sup>503</sup> See A/47/748, annex.

<sup>504</sup> G A resolution 47/115 of 16 December 1992.

<sup>505</sup> *Ibid.*

<sup>506</sup> A/48/511.

<sup>507</sup> A/47/625, annex; A/48/562, annex; A/49/544, annex.



refusing to permit the Special Representative to visit Cuba.<sup>508</sup> The General Assembly called upon the Government of Cuba to co-operate fully with the Special Rapporteur by permitting him full and free access so that he might establish contact with the Government and the citizens of Cuba in order to fulfil his mandate. It also called upon the Government to adopt measures proposed by the Special Rapporteur to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association, to permit legalization of independent groups, to respect guarantees of due process, to permit access to the prisons by national independent groups and international humanitarian agencies, to review sentences for crimes of a political nature and cease retaliatory measures towards those seeking permission to leave the country.<sup>509</sup>

### **Sudan**

511. Regarding the situation of human rights in the Sudan, the General Assembly expressed its deep concern about reports of grave human rights violations in the country, particularly summary executions, detentions without trial, forced displacement of persons, torture and forced labour, described in the reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of religious intolerance<sup>510</sup> and the Special Rapporteur on the situation of human rights in the Sudan.<sup>511</sup> The General Assembly urged the Government of the Sudan to respect fully human rights as well as the applicable provisions of international humanitarian law, and to protect humanitarian relief workers.<sup>512</sup> It also noted with concern the reprisals taken by that Government against those who met with or tried to meet with the Special Rapporteur on the situation of human rights in the Sudan during his visits in the country.<sup>513</sup> It further recommended that the serious human rights situation in the Sudan continued to be monitored, called upon the Government of the Sudan to extend its full and unreserved co-operation to the Special Rapporteur and, to this end, requested it to take all necessary steps to ensure that the Special Rapporteur had free and unlimited access to any person in the Sudan with whom he wished to meet, with no threats or reprisals. The General Assembly invited the Commission on Human Rights to continue to give urgent attention to the human rights situation in the country.<sup>514</sup>

### **The territory of the former Yugoslavia**

512. As regards the situation of human rights in the territory of the former Yugoslavia, the General Assembly noted that the Commission on Human Rights, at its first special session devoted to the consideration of the situation of human rights in

<sup>508</sup> G A resolutions 47/139 of 18 December 1992, 48/142 of 20 December 1993 and 49/200 of 23 December 1994.

<sup>509</sup> *Ibid.*

<sup>510</sup> See, respectively, E/CN.4/1992/17, E/CN.4/1993/26 and E/CN.4/1994/7 and Corr. 1 and 2 and Add. 1 and 2; E/CN.4/1992/30 and Corr.1, E/CN.4/1993/46 and E/CN.4/1994/31; E/CN.4/1993/62 and Corr. 1 and Add. 1.

<sup>511</sup> See A/48/601, annex; A/49/539, annex.

<sup>512</sup> G A resolutions 47/142 of 18 December 1992, 48/147 of 20 December 1993 and 49/198 of 23 December 1994.

<sup>513</sup> G A resolutions 48/147 of 20 December 1993 and 49/198 of 23 December 1994.

<sup>514</sup> *Ibid.*

that country, adopted resolution 1992/S-1/1 of 14 August 1992,<sup>515</sup> in which it condemned in the strongest terms all violations of human rights within the territory of the former Yugoslavia, called upon all parties to cease those violations immediately and to take all necessary steps to ensure full respect for human rights and humanitarian law and requested its Chairman to appoint a Special Rapporteur to investigate the human rights situation in the territory.<sup>516</sup> The General Assembly commended the Special Rapporteur for his reports on the situation of human rights in the country.<sup>517</sup> It condemned in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and called upon all parties in the former Yugoslavia to close immediately all detention centres not in compliance with the Geneva Conventions and to release immediately all persons arbitrarily or illegally detained.<sup>518</sup> It also called upon all United Nations bodies, including the United Nations Protection Force and the specialized agencies, as well as Governments and informed intergovernmental and non-governmental organizations to co-operate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia. It requested the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies to implement the present resolution, and called upon those bodies concerned with the situation in the country to coordinate closely with the Special Rapporteur and the Commission of Experts pursuant to Security Council resolution 780(1992) of 6 October 1992.<sup>519</sup>

513. In subsequent resolutions,<sup>520</sup> the General Assembly continued to condemn in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, in particular the systematic practice of rape used as a weapon of war against women and children and as an instrument of ethnic cleansing. It welcomed the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 had begun, and in this light, encouraged the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations so that the Tribunal might conduct without any further delay its stipulated functions of trying those accused of and punishing those responsible for violations of international law. The General Assembly affirmed that a peaceful solution, to be achieved through negotiation under the auspices of the International Conference on the Former Yugoslavia, would greatly benefit the human rights situation in all the areas concerned. It noted that many of the past recommendations of the Special Rapporteurs had not been fully implemented, in some cases because of resistance by the parties on the ground, and urged the parties, all States and relevant organizations to give immediate consideration to them. It also

<sup>515</sup> See E/1992/22/Add.1/Rev.1, chap. II.

<sup>516</sup> G A resolution 47/147 of 18 December 1992.

<sup>517</sup> See for example A/47/418-S/24516, annex; A/47/635-S/24766, annex; A/47/666-S/24809, annex; A/49/641-S/1994/1252; see also E/CN.4/1994/5; E/CN.4/1994/47.

<sup>518</sup> G A resolution 47/147 of 18 December 1992.

<sup>519</sup> *Ibid.*

<sup>520</sup> See G A resolutions 48/143 of 20 December 1993 and 49/196 of 23 December 1994.

invited the Commission on Human Rights to request the Special Rapporteur to report to it, and decided to continue its examination of the situation of human rights in the territory of the former Yugoslavia.<sup>521</sup>

### **Occupied Arab Territories including Palestine**

514. In its decision 1993/253 of 28 July 1993, the Economic and Social Council approved the Commission on Human Rights' decision to appoint a Special Rapporteur with the following mandate : (a) to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, in the Palestinian territories occupied by Israel since 1967; (b) to receive communications, to hear witnesses, and to use such modalities of procedure as he might deem necessary for his mandate; (c) to report, with his conclusions and recommendations, to the Commission at its future sessions, until the end of Israeli occupation of those territories.

### **Somalia**

515. Concerning the situation of human rights in Somalia, the General Assembly took note of the report of the Independent Expert on the conditions in Somalia,<sup>522</sup> in which he cited an increase in human rights violations fuelled by the absence of an accountable government and the lack of infrastructure.<sup>523</sup> The General Assembly urged all parties to work together towards peace and security in Somalia, to guarantee the protection of all human rights and fundamental freedoms, and to protect civilians, United Nations personnel and humanitarian relief workers from being killed, tortured or arbitrarily detained. It also requested that, following the restoration of political stability and security in the country, the Commission on Human Rights, in accordance with the Charter of the United Nations, considered establishing a group of independent human rights monitors to receive complaints and collect and investigate reports of violations of human rights and to transmit them, where appropriate, to the Centre for Human Rights of the Secretariat, in an effort to prevent human rights violations. The General Assembly further decided to continue its consideration of that question.<sup>524</sup>

### **Cambodia**

516. Regarding the situation of human rights in Cambodia, the General Assembly welcomed the elections of May 1993, the inauguration of the Government of the Kingdom of Cambodia, and the establishment of an operational presence of the Centre for Human Rights of the Secretariat in the country.<sup>525</sup> The General Assembly requested the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources for the functioning of the operational presence of the Centre for Human Rights in the country. It also welcomed the appointment by the Secretary-General of a Special Representative to undertake the

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<sup>521</sup> G A resolutions 48/143 of 20 December 1993 and 49/196 of 23 December 1994.

<sup>522</sup> See A/48/510.

<sup>523</sup> G A resolution 48/146 of 20 December 1993.

<sup>524</sup> *Ibid.*

<sup>525</sup> G A resolution 48/154 of 20 December 1993.

tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6 of 19 February 1993,<sup>526</sup> and requested the Secretary-General to report to it on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate. The General Assembly further decided to continue its consideration of the situation of human rights in Cambodia.<sup>527</sup>

### Guatemala

517. As regards human rights in Guatemala, the Economic and Social Council continued as in the past<sup>528</sup> to approve the Commission on Human Rights' request to the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as might be necessary to foster and strengthen the consolidation of the democratic process and promote a human rights culture.<sup>529</sup> The Council also approved the Commission's request to the Secretary-General to appoint, and thereafter to extend the mandate of, an independent expert as Secretary-General's representative to examine the human rights situation in the country and continue assistance to the Government in the field of human rights.<sup>530</sup>

518. In 1994, the General Assembly decided to establish a Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreements on Human Rights in Guatemala, in accordance with the recommendations contained in the report of the Secretary-General on the matter,<sup>531</sup> for an initial period of six months.<sup>532</sup> The General Assembly also called upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to comply fully with all their undertakings under the Comprehensive Agreement, and invited the international community to support institution-building and co-operation projects in the area of human rights which could be implemented by the Mission and the relevant Guatemalan institutions and entities with the participation of United Nations organizations and programmes. It further requested the Secretary-General to keep it fully informed of the implementation of that resolution.<sup>533</sup>

519. In its subsequent resolutions on the matter,<sup>534</sup> the General Assembly decided to authorize the renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala for two further periods of six months, in accordance with the recommendations of the Secretary-General.<sup>535</sup> The General Assembly also continued to call upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to follow the recommendations of the Mission and to comply fully with their commitments under the Comprehensive

<sup>526</sup> See E/1993/23, chap. II, sect. A.

<sup>527</sup> G A resolution 48/154 of 20 December 1993.

<sup>528</sup> See *Supplement No. 7*, Article 55, paras. 320-324.

<sup>529</sup> See, for example, E S C decision 1990/244 of 25 May 1990.

<sup>530</sup> *Ibid* and also E S C decision 1992/246 of 20 July 1992.

<sup>531</sup> See A/48/985.

<sup>532</sup> G A resolution 48/267 of 19 September 1994.

<sup>533</sup> *Ibid*.

<sup>534</sup> G A resolutions 49/236 A of 31 March 1995 and 49/236 B of 14 September 1995.

<sup>535</sup> See Secretary-General reports A/49/860 and A/49/955.

Agreement on Human Rights, including the conclusion of an agreement on a firm and lasting peace, and urged the parties to give new momentum to the negotiating process. It requested the Secretary-General to keep it fully informed of the implementation of its resolutions.

### **Kosovo**

520. Concerning the situation of human rights in Kosovo, the General Assembly strongly condemned the measures and practices of discrimination and the violations of human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). Consequently, it urged those authorities to take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, to revoke all discriminatory legislation, in particular that which had entered into force since 1989, to establish genuine democratic institutions in Kosovo, to reopen the cultural and scientific institutions of the ethnic Albanians, and to pursue dialogue with the representatives of ethnic Albanians, including under the auspices of the International Conference on the Former Yugoslavia.<sup>536</sup> The General Assembly also requested the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to it. It called upon the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to monitor closely the human rights situation in Kosovo and to pay special attention to that matter in his reporting. The General Assembly further decided to continue examination of the human rights situation in Kosovo.<sup>537</sup>

### **Rwanda**

521. Regarding the situation of human rights in Rwanda, the General Assembly recalled Commission on Human Rights resolution S-3/1 of 25 May 1994,<sup>538</sup> by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda, welcomed the reports of the Special Rapporteur,<sup>539</sup> and condemned in the strongest terms all acts of genocide and violations of international humanitarian law and all violations and abuses of human rights that occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994.<sup>540</sup> The General Assembly also welcomed the establishment, pursuant to Security Council resolution 955 (1994) of 8 November 1994, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, and urged States to co-operate fully with the International Tribunal.

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<sup>536</sup> G A resolution 49/204 of 23 December 1994.

<sup>537</sup> *Ibid.*

<sup>538</sup> See E/1994/24/Add.2 - E/CN.4/1994/132/Add. 2, chap. II.

<sup>539</sup> See A/49/508 - S/1994/1157, annexes I and II, and A/49/508/Add. 1 - S/1994/1157/Add. 1, annex.

<sup>540</sup> G A resolution 49/206 of 23 December 1994.

522. In the same resolution,<sup>541</sup> the General Assembly, *inter alia*, noted with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property were still taking place in Rwanda, encouraged the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomed the commitments of the Government in this regard. The General Assembly also encouraged the Government to protect and promote respect for human rights, and urged the responsible authorities in Rwanda and in the region to ensure full respect for human rights in the camps for refugees and displaced persons. It urged the Rwandan authorities and the Rwandan people to work for national reconciliation and unity in the country, for peace in the country and in the whole region, and to work together to implement the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993,<sup>542</sup> which constituted the framework for peace, national reconciliation and unity in Rwanda. It further decided to continue its consideration of that question.

(ii) Thematic mandates

523. The Economic and Social Council took a resolution concerning the status of Special Rapporteurs. In resolution 1989/75 of 24 May 1989, the Council noted that a difference of opinion had arisen between the United Nations and the Government of Romania as to the applicability of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946<sup>543</sup> to Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. The Council therefore requested, on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I) of 11 December 1946, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission.<sup>544</sup> In resolution 1990/43 of 25 May 1990, the Council expressed its satisfaction to the International Court of Justice for having given the unanimous opinion, on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations was applicable in the particular case of the Special Rapporteur Dumitru Mazilu, and that in general the Special Rapporteurs of the Sub-Commission had to be regarded as experts on mission within the meaning of article VI, section 22, of the Convention.

524. The Economic and Social Council recommended that the mandates of thematic Rapporteurs and Working Groups established or to be established by the Commission on Human Rights should, unless otherwise decided, be of three years' duration, requested the Secretary-General to provide the Rapporteurs and Working Groups with all the assistance necessary to carry out their mandates in the best possible conditions, and called on all Governments to co-operate fully with them and

<sup>541</sup> G A resolution 49/206 of 23 December 1994.

<sup>542</sup> See A/48/824 - S/26915, annex I.

<sup>543</sup> See G A resolution 22 A (I) of 13 February 1946; United Nations, Treaty Series, vol. 1, p. 15 and vol. 90, p. 327.

<sup>544</sup> E S C resolution 1989/75 of 24 May 1989.

to support and promote their activities by ensuring unhampered access to all relevant sources of information.<sup>545</sup>

525. In conformity with previous practice,<sup>546</sup> thematic mandates were implemented during the period under review by the renewal of old mandates and the creation of new mandates.

### **Renewal of mandates**

526. As regards the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa, the General Assembly took note with satisfaction of Commission on Human Rights resolution 1990/22 of 27 February 1990,<sup>547</sup> in which the Commission invited the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa.<sup>548</sup> It also requested the Secretary-General to make available to the Special Rapporteur two economists to help him to develop his analysis and documentation on specific cases of special importance. It further requested the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of his report.<sup>549</sup>

527. As for it, the Economic and Social Council approved during the period under review the renewal of the following thematic mandates : the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations;<sup>550</sup> the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;<sup>551</sup> the Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;<sup>552</sup> the Working Group on Enforced or Involuntary Disappearances;<sup>553</sup> the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;<sup>554</sup> the Special Rapporteur on extrajudicial, summary or arbitrary executions;<sup>555</sup> the Special Rapporteur on traditional practices affecting the health of women and children;<sup>556</sup> the Special Rapporteur on human rights and states of emergency;<sup>557</sup> and the Special Rapporteur on human rights and youth.<sup>558</sup>

<sup>545</sup> E S C resolution 1990/48 of 25 May 1990.

<sup>546</sup> See, for example, *Supplement No. 7*, Article 55, paras. 333-342.

<sup>547</sup> See E/1990/22 and Corr. 1.

<sup>548</sup> G A resolution 45/84 of 14 December 1990.

<sup>549</sup> *Ibid.*

<sup>550</sup> See E S C resolution 1989/77 of 24 May 1989; E S C decisions 1992/253 of 20 July 1992 and 1993/289 of 28 July 1993.

<sup>551</sup> See E S C decisions 1990/222 of 25 May 1990 and 1992/225 of 20 July 1992.

<sup>552</sup> See E S C decisions 1990/229 of 25 May 1990 and 1992/226 of 20 July 1992.

<sup>553</sup> See E S C decisions 1990/230 of 25 May 1990 and 1992/227 of 20 July 1992.

<sup>554</sup> See E S C decisions 1990/231 of 25 May 1990 and 1992/228 of 20 July 1992.

<sup>555</sup> See E S C decisions 1990/233 of 25 May 1990 and 1992/242 of 20 July 1992.

<sup>556</sup> See E S C decisions 1990/147 of 25 May 1990, 1992/251 of 20 July 1992 and 1994/273 of 25 July 1994.

<sup>557</sup> See E S C decisions 1991/262 of 31 May 1991, 1992/249 of 20 July 1992 and 1993/165 of 28 July 1993.

### Creation of new mandates

528. During the period under review, the Economic and Social Council endorsed the decisions of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to create a number of new thematic mandates, with the aim of, *inter alia*, preparing studies on specific human rights, on problems in the realization of those rights, on measures necessary for the strengthening and promotion of those rights, and on possibilities of developing basic principles and guidelines about those rights. New thematic mandates were created on the following human rights issues : right to freedom of opinion and expression,<sup>559</sup> right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms;<sup>560</sup> discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS);<sup>561</sup> sale of children, child prostitution and child pornography;<sup>562</sup> rights of minorities (national experience in the protection of minorities);<sup>563</sup> right to a fair trial;<sup>564</sup> right of everyone to own property alone as well as in association with others;<sup>565</sup> independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;<sup>566</sup> arbitrary detention;<sup>567</sup> human rights and the environment;<sup>568</sup> internally displaced persons;<sup>569</sup> ownership and control of the cultural property of indigenous peoples;<sup>570</sup> human rights and extreme poverty;<sup>571</sup> transition to democracy in South Africa;<sup>572</sup> measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance;<sup>573</sup> right to development;<sup>574</sup> impunity of perpetrators of violations of human rights;<sup>575</sup> promoting the realization of the right to adequate housing;<sup>576</sup> human rights dimensions of population transfer, including the implantation of settlers and settlements;<sup>577</sup> and integrating the rights of women into the human rights mechanisms of the United Nations and elimination of violence against women.<sup>578</sup>

### (iii) Communications procedures

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<sup>558</sup> See E S C resolution 1992/7 of 20 July 1992.

<sup>559</sup> See E S C decision 1990/35 of 25 May 1990.

<sup>560</sup> See E S C decision 1990/36 of 25 May 1990.

<sup>561</sup> See E S C decision 1990/239 of 25 May 1990.

<sup>562</sup> See E S C decision 1990/240 of 25 May 1990.

<sup>563</sup> See E S C decision 1990/246 of 25 May 1990.

<sup>564</sup> See E S C resolution 1991/28 of 31 May 1991.

<sup>565</sup> See E S C decision 1991/236 of 31 May 1991.

<sup>566</sup> See E S C decision 1991/241 of 31 May 1991.

<sup>567</sup> See E S C decision 1991/143 of 31 May 1991.

<sup>568</sup> See E S C decision 1991/244 of 31 May 1991.

<sup>569</sup> See E S C decision 1992/243 of 20 July 1992. See also E S C resolution 1993/285 of 28 July 1993.

<sup>570</sup> See E S C decision 1992/256 of 20 July 1992. See also E S C decision 1994/274 of 25 July 1994 on cultural and intellectual property of indigenous people.

<sup>571</sup> See E S C resolution 1993/44 of 28 July 1993.

<sup>572</sup> See E S C resolution 1993/45 of 28 July 1993.

<sup>573</sup> See E S C decision 1993/258 of 28 July 1993. See also G A resolution 49/147 of 23 December 1994.

<sup>574</sup> See E S C decision 1993/260 of 28 July 1993.

<sup>575</sup> See E S C decision 1993/266 of 28 July 1993.

<sup>576</sup> See E S C decision 1993/287 of 28 July 1993.

<sup>577</sup> See E S C decision 1993/288 of 28 July 1993.

<sup>578</sup> See E S C decision 1994/254 of 22 July 1994.



“ 1503 Procedure ”

529. With the approval of the Economic and Social Council, the Working Group on Situations of the Commission on Human Rights had been set up annually since 1974 to assist the Commission on a regular basis in the implementation of Council resolution 1503 (XLVIII) of 27 May 1970. During the period under review, the Council continued its practice to authorize the Commission to establish that Working Group, consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days prior to the sessions of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure set out in Council resolution 1503 (XLVIII) and those situations of which the Commission was seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation.<sup>579</sup>

c) Office of the United Nations High Commissioner for Human Rights

530. On the recommendation of the World Conference on Human Rights (Vienna 1993),<sup>580</sup> the General Assembly decided in its resolution 48/141 of 20 December 1993 to create the post of the High Commissioner for Human Rights and that the High Commissioner of the rank of Under-Secretary-General should be a person of high moral standing and personal integrity, should possess expertise including in the field of human rights, should be appointed by the Secretary-General with the approbation of the General Assembly, with due regard to geographical rotation, and should have a fixed term of four years with a possibility of one renewal for another fixed term of four years.

531. In the same resolution, the General Assembly also decided that the High Commissioner for Human Rights should function in an impartial, objective, non-selective and effective manner within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law; that the High Commissioner should be guided by the recognition that all human rights – civil, cultural, economic, political and social – were universal, indivisible, interdependent and interrelated; that the High Commissioner should recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development; that the High Commissioner should be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General.<sup>581</sup>

532. Within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner have the following responsibilities : promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights; promote and protect the realization of the right to development and

<sup>579</sup> See, for example, E S C decisions 1989/144 of 24 May 1989 and 1990/41 of 25 May 1990.

<sup>580</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 11.

<sup>581</sup> G A resolution 48/141 of 20 December 1993.

enhance support from relevant bodies of the United Nations system for that purpose; provide, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, at the request of the State concerned and, where appropriate, regional organizations; coordinate relevant United Nations education and public information programmes in the field of human rights; play an active role in removing the current obstacles, in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action; engage in a dialogue with all Governments in the implementation of that mandate with a view to securing respect for all human rights; and carry out tasks assigned by the competent bodies of the United Nations system in the field of human rights and make recommendations to them with a view to improving the promotion and protection of all human rights.<sup>582</sup>

533. Pursuant to resolution 48/141 of 20 December 1993, the General Assembly confirmed, in its decision 48/321 of 14 February 1994, the Secretary-General's nomination of Mr. José Ayala Lasso as first United Nations Commissioner for Human Rights. In accordance with resolution 48/141, the High Commissioner was to report annually on his activities to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly.

534. In his first report to the General Assembly,<sup>583</sup> the High Commissioner for Human Rights referred to the activities carried out since his nomination in the following areas : enhancing international cooperation and coordination of human rights activities, advisory services and technical and financial assistance, responding to serious violations of human rights, preventing violations of human rights, realization of the right to development, elimination of discrimination, equal status and human rights of women, human rights education and information, as well as the rationalization, adaptation, strengthening and streamlining of United Nations human rights machinery.

535. Additional activities were reflected in the High Commissioner's 1994 report including, *inter alia*, the universal ratification of human rights treaties, the rights of the child, the promotion and protection of the rights of minorities, the rights of indigenous people, assistance to countries in transition to democracy, action against torture and the role of non-governmental organizations. The report emphasized the potential of the High Commissioner's contribution to the enjoyment of human rights for all throughout the world by mobilizing the commitment of Governments, international organizations, non-governmental organizations and public opinion. The breadth and complexity of the issues the High Commissioner was called upon to deal with required adequate human and financial resources. That was a matter to which the member States should give the closest consideration. Appropriate resources would help the High Commissioner respond to the expectations of world public opinion for effective action in defence of human rights and success would not only strengthen the entire human rights programme, but would also serve to heighten support for United Nations activities in other fields.<sup>584</sup>

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<sup>582</sup> G A resolution 48/141 of 20 December 1993.

<sup>583</sup> See A/49/36.

<sup>584</sup> *Ibid.*

d) Advisory services and technical co-operation

536. During the period under review, advisory services and technical co-operation continued to be implemented through different approaches.

537. The General Assembly requested the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights, as well as national centres for human rights documentation and training.<sup>585</sup>

538. The General Assembly requested the Secretary-General to develop technical co-operation programmes, including interregional advisory services, with a view to enhancing the role of education in the operation of crime prevention and criminal justice, taking into account the interdisciplinary nature of such co-operation programmes.<sup>586</sup>

539. The General Assembly recommended that the United Nations provided further advisory services to countries in the process of development, change and transition, at their request, to ensure that the issue of ageing remained an important part of their social development programmes.<sup>587</sup>

540. The General Assembly recommended that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, with regard to, *inter alia*, the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.<sup>588</sup>

541. The General Assembly called upon the international community to support, through effective international co-operation, the efforts of States to improve the situation of street children, and encouraged States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear that problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention.<sup>589</sup>

542. The General Assembly called upon the Secretary-General to provide through the Centre of Human Rights of the Secretariat, at the request of Governments concerned and as part of the programme of advisory services and technical assistance of the Centre, qualified expertise on minorities issues and human rights, as well as on

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<sup>585</sup> G A resolutions 44/64 of 8 December 1989, 46/124 of 17 December 1991 and 48/134 of 20 December 1993.

<sup>586</sup> G A resolution 45/122 of 14 December 1990.

<sup>587</sup> G A resolution 46/91 of 16 December 1991.

<sup>588</sup> G A resolutions 46/131 of 17 December 1991, 47/129 of 18 December 1992, 48/128 of 20 December 1993 and 49/188 of 23 December 1994.

<sup>589</sup> G A resolutions 48/136 of 20 December 1993 and 49/212 of 23 December 1994.

the prevention and resolution of disputes, to assist in existing or potential situations involving minorities.<sup>590</sup>

543. The General Assembly invited the United Nations to offer, upon the request of the Government of Afghanistan and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles, and the holding of direct elections.<sup>591</sup>

544. The General Assembly requested the Secretary-General to take steps to support States which requested electoral assistance by, *inter alia*, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate, through the Centre for Human Rights of the Secretariat and in close coordination with the Electoral Assistance Division, to support democratization activities as related to human rights concerns, including, *inter alia*, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights.<sup>592</sup>

545. The General Assembly stressed the importance of the programme of advisory services in the field of human rights, and appealed to all Governments to consider making use of the possibility offered by the United Nations, under that programme, of organizing information and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies.<sup>593</sup>

546. The General Assembly requested the Secretary-General, through the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat, to take appropriate steps to ensure financial and human resources for the urgent establishment, in conjunction with the International Civilian Mission to Haiti, of a special programme of assistance to the Government and people of Haiti in their efforts to ensure the observance of human rights.<sup>594</sup>

547. The General Assembly welcomed the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict-resolution and peace-building in Rwanda were accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda.<sup>595</sup> It also welcomed the co-operation the Government of Rwanda had extended to the United High Commissioner for Human Rights and to the Special Rapporteur to investigate the human rights situation in the country, as well as the acceptance by the Government of the deployment of human rights field officers, who might establish a climate of confidence and a secure environment conducive to

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<sup>590</sup> G A resolutions 48/138 of 20 December 1993 and 49/192 of 23 December 1994.

<sup>591</sup> G A resolutions 48/152 of 20 December 1993 and 49/207 of 23 December 1994.

<sup>592</sup> G A resolutions 48/131 of 20 December 1993 and 49/190 of 23 December 1994.

<sup>593</sup> G A resolution 49/189 of 23 December 1994.

<sup>594</sup> G A resolution 49/201 of 23 December 1994.

<sup>595</sup> G A resolution 49/206 of 23 December 1994.

full respect for human rights and in preventing further violations. The General Assembly requested the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services.<sup>596</sup>

548. The General Assembly endorsed the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights of the Secretariat, with a view to helping States in the task of building and strengthening adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law. The General Assembly expressed its conviction that such a programme should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects for the reform of penal and correctional establishments and the education and training of lawyers, judges and security forces in human rights, and in any other sphere of activity relevant to the good functioning of the rule of law.<sup>597</sup> The General Assembly also requested the Secretary-General, in accordance with the request contained in section II, paragraph 70, of the Vienna Declaration and Programme of Action, to submit concrete proposals to it containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme, taking into account existing programmes and activities already undertaken by the Centre for Human Rights. It further requested the Commission on Human Rights to remain actively seized of that question, with a view to further elaborating the outline of the proposed programme.<sup>598</sup> In a subsequent resolution,<sup>599</sup> the General Assembly welcomed the report of the Secretary-General submitted in conformity with resolution 48/132 of 20 December 1993,<sup>600</sup> and took note of the proposals submitted in that report for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights in order to comply with the recommendations of the Vienna Declaration and Programme of Action. The General Assembly noted that the programme in question did not have assistance funds sufficient to provide any substantial financial assistance to national projects that had a direct impact on the realization of human rights and the maintenance of the rule of law in countries that were committed to those ends, but which faced economic hardship. It requested the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial assistance to strengthen the realization of human rights and the maintenance of the rule of law. It also requested the Secretary-General to submit a report to it on the results of his contacts as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the Vienna Declaration and Programme of Action.<sup>601</sup>

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<sup>596</sup> G A resolution 49/206 of 23 December 1994.

<sup>597</sup> G A resolution 48/132 of 20 December 1993. See also G A resolution 48/137 of 20 December 1993.

<sup>598</sup> *Ibid.*

<sup>599</sup> G A resolution 49/194 of 23 December 1994.

<sup>600</sup> See A/49/512.

<sup>601</sup> G A resolution 49/194 of 23 December 1994.

549. As for it, the Economic and Social Council approved the Commission on Human Rights' requests to the Secretary-General to provide as a matter of urgency more human and financial resources for the enlargement of advisory services in the field of human rights, within the existing overall United Nations resources and particularly from the section of the regular budget concerning technical co-operation, and to appoint a board of trustees for the Voluntary Fund for Technical Co-operation in the Field of Human Rights,<sup>602</sup> composed of five persons with wide experience in the field of human rights and in technical co-operation to advise the Secretary-General on the administration and operation of the Fund.<sup>603</sup>

550. Throughout the period under review, the Council also continued to approve the Commission on Human Rights' requests to the Secretary-General to appoint or extend the mandate of Experts assisting some Governments in the field of human rights, and to provide to those Experts all necessary support. That human rights assistance regarded for example Haiti,<sup>604</sup> Guatemala,<sup>605</sup> Equatorial Guinea,<sup>606</sup> the Islamic Republic of Iran,<sup>607</sup> El Salvador,<sup>608</sup> Cambodia,<sup>609</sup> Georgia,<sup>610</sup> Somalia,<sup>611</sup> and the Papua New Guinea island of Bougainville.<sup>612</sup>

e) National and regional institutions or mechanisms for the promotion and protection of human rights

### **National institutions**

551. During the period under review, the principal organs continued to take steps on matters concerning national institutions for the promotion and protection of human rights. For example, in its resolution 44/64 of 8 December 1989, the General Assembly welcomed the increase in the number of national institutions for the promotion and protection of human rights in various countries around the world, and encouraged initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they did not exist. It also noted the action taken by the Centre for Human Rights of the Secretariat to co-operate with regional and national institutions for the promotion and protection of human rights.<sup>613</sup>

552. In the same resolution,<sup>614</sup> the General Assembly requested the Secretary-General to prepare, with the assistance of experts, if necessary, and incorporating

<sup>602</sup> See previous *Supplement*, No. 7, Article 55, para. 349, for the establishment of the Fund.

<sup>603</sup> E S C decision 1993/283 of 28 July 1993.

<sup>604</sup> See, for example, E S C decision 1989/152 of 24 May 1989.

<sup>605</sup> See, for example, E S C decision 1989/153 of 24 May 1989.

<sup>606</sup> See, for example, E S C decision 1990/236 of 25 May 1990.

<sup>607</sup> See, for example, E S C decision 1991/261 of 31 May 1991.

<sup>608</sup> See, for example, E S C decision 1992/237 of 20 July 1992.

<sup>609</sup> See, for example, E S C decision 1993/254 of 28 July 1993.

<sup>610</sup> See, for example, E S C decision 1993/281 of 28 July 1993.

<sup>611</sup> See, for example, E S C decision 1993/182 of 28 July 1993.

<sup>612</sup> See, for example, E S C decision 1994/267 of 25 July 1994.

<sup>613</sup> See also G A resolution 46/124 of 17 December 1991.

<sup>614</sup> G A resolution 44/64 of 8 December 1989.

materials submitted by Governments, a report containing conceptual models of national institutions for the promotion and protection of human rights, to be submitted to the Commission on Human Rights. It also invited the Secretary-General to include in an updated report all the information provided by Governments and any additional information that Governments might wish to provide, giving particular emphasis to the functioning of various models of national institutions in the implementation of international standards on human rights, as well as a list of existing national institutions with contact points and a bibliography of relevant materials.

553. In its subsequent resolutions,<sup>615</sup> the General Assembly took note of the updated reports of the Secretary-General on national institutions.<sup>616</sup> It requested the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. The General Assembly also, by resolution 48/134 of 20 December 1993, adopted the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (The Paris Principles).

554. The Paris Principles are divided in four parts. Part one specifies the competences and responsibilities of national institutions. Part two concerns the composition and guarantees of independence and pluralism of national institutions. Part three deals with the methods of operation of these institutions. Part four relates to the additional principles concerning the status of commissions with quasi-judisdictional competence, namely competence to hear and consider complaints and petitions concerning individual situations, as well as to make recommendations to the competent authorities.

#### **National machinery for the advancement of women**

555. As in the past,<sup>617</sup> the Economic and Social Council continued to urge countries that had not yet done so to establish, as soon as possible, and at the latest by 1995 (World Conference on Women), national machinery for the advancement of women that could have a direct effect on government policy.<sup>618</sup> The Council stressed that the provision of technical assistance to countries establishing or strengthening national machinery should be considered a priority activity by the United Nations system and donor countries. It also invited national machinery of different countries to exchange information, bilaterally or multilaterally, on issues of common interest, including information on innovative policies, programmes and research, and requested the Secretary-General, in co-operation with the regional commissions, to promote such an exchange of information. It further decided that an evaluation of the effectiveness of efforts to establish and improve national machinery since the adoption of the Nairobi Forward-looking Strategies in 1985 and an analysis of the further action that was required should be included in a report for submission to the World Conference on Women in 1995.<sup>619</sup>

<sup>615</sup> G A resolutions 46/124 of 17 December 1991 and 48/134 of 20 December 1993.

<sup>616</sup> See E/CN.4/1991/23 and Add. 1, and E/CN.4/1993/35, annex.

<sup>617</sup> See *Supplement No. 7*, Article 55, paras. 352-354.

<sup>618</sup> See for example E S C resolution 1991/22 of 30 May 1991.

<sup>619</sup> *Ibid.*

**National institutions to facilitate the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination**

556. At its forty-second session (1993), the Committee on the Elimination of Racial Discrimination adopted a general comment<sup>620</sup> in which it recommended that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination establish national commissions or other appropriate bodies to serve, *inter alia*, the following purposes : (a) to promote respect for the enjoyment of human rights without any discrimination, as expressly set out in article 5 of the Convention; (b) to review government policy towards protection against racial discrimination; (c) to monitor legislative compliance with the provisions of the Convention; (d) to educate the public about the obligations of States parties under the Convention; (e) to assist the Government in the preparation of reports submitted to the Committee. The Committee also recommended that, where such commissions had been established, they should be associated with the preparation of reports and possibly included in government delegations in order to intensify the dialogue between the Committee and the State party concerned.

**Regional arrangements for the promotion and protection of human rights**

557. In conformity with its previous practice,<sup>621</sup> the General Assembly continued to reaffirm that regional arrangements for the promotion and protection of human rights might make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in that field among the regions, within the United Nations system, might be improved.<sup>622</sup> It also continued to note with interest that various contacts between regional bodies and commissions and the United Nations had continued to be pursued and strengthened through advisory services and technical assistance activities, particularly those relating to the organization of regional and subregional training courses in the field of human rights. The General Assembly noted that more national, regional and subregional workshops and training courses would be organized for administrators of justice and government officials engaged in the implementation of international conventions on human rights, and that more countries in all regions of the world would develop forms of co-operation and assistance with the Centre for Human Rights, in keeping with their specific needs.<sup>623</sup> It invited States in areas where regional arrangements in the field of human rights did not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights. It requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations.<sup>624</sup>

<sup>620</sup> See HRI/GEN/1/Rev. 7, Committee on the Elimination of Racial Discrimination, General comment No. XVII : Establishment of national institutions to facilitate the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, p. 209.

<sup>621</sup> See *Supplement No. 7*, Article 55, paras. 356-358.

<sup>622</sup> G A resolution 45/167 of 18 December 1990.

<sup>623</sup> *Ibid.* See also G A resolutions 47/125 of 18 December 1992 and 49/189 of 23 December 1994.

<sup>624</sup> *Ibid.*



558. Concerning regional arrangements in the Asian and Pacific region, the General Assembly renewed its invitation to States members of the Economic and Social Commission for Asia and the Pacific that had not yet done so to communicate to the Secretary-General as soon as possible their comments on the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region and, in particular, to address themselves to the conclusions and recommendations in the report regarding the development of regional arrangements in Asia and the Pacific.<sup>625</sup> The General Assembly also welcomed the designation of the library of the Economic and Social Commission for Asia and the Pacific as a depository centre for United Nations human rights materials within the Commission at Bangkok, the functions of which would include the collection, processing and dissemination of such materials in the Asian and Pacific region. It further encouraged United Nations development agencies in the region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities.<sup>626</sup>

f) Assistance to victims of human rights violations

**Racism and racial discrimination**

559. With regard to its commitment to eradicate racism in all its forms, as well as racial discrimination and *apartheid*, the General Assembly continued to appeal, *inter alia*, to all Governments and to international and non-governmental organizations to increase and intensify, during the Second Decade to Combat Racism and Racial Discrimination, their activities to combat racism, racial discrimination and *apartheid* and to provide relief and assistance to the victims of these evils, especially in South Africa, Namibia and in occupied territories and territories under alien domination.<sup>627</sup>

560. In the same vein, the General Assembly emphasized again the importance of adequate recourse procedures for victims of racism and racial discrimination and therefore once again requested the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in this field, a handbook of recourse procedures.<sup>628</sup> It also considered that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination were indispensable for the implementation of the plans of activities for the periods 1985-1989 and 1990-1993. It further noted that the situation of the Trust Fund was not encouraging and appealed therefore to all Governments, organizations and individuals in a position to do so to contribute to the Trust Fund and, to this end, requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.<sup>629</sup>

<sup>625</sup> G A resolution 45/168 of 18 December 1990.

<sup>626</sup> *Ibid.*

<sup>627</sup> G A resolutions 44/52 of 8 December 1989, 45/105 of 14 December 1990 and 47/77 of 16 December 1992.

<sup>628</sup> G A resolution 44/52 of 8 December 1989.

<sup>629</sup> G A resolutions 44/52 of 8 December 1989, 45/105 of 14 December 1990, 46/85 of 16 December 1991, 47/77 of 16 December 1992, 48/91 of 20 December 1993 and 49/146 of 23 December 1994.

### **United Nations Voluntary Fund for Victims of Torture**

561. As in the previous review period,<sup>630</sup> the General Assembly continued during this period to recall its resolution 36/151 of 16 December 1981, establishing the United Nations Voluntary Fund for Victims of Torture, and to declare that the struggle to eliminate torture included the provision of assistance in a humanitarian spirit to the victims and members of their families.<sup>631</sup> The General Assembly invited Governments to make contributions to the Fund, if possible on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants. It also requested the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.<sup>632</sup> It further requested the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical equipment to ensure the efficient operation and management of the Fund.<sup>633</sup>

### **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**

562. The General Assembly was convinced that the establishment of a voluntary trust fund on contemporary forms of slavery would constitute a significant development for the protection of the human rights of victims of contemporary forms of slavery, and decided in resolution 46/122 of 17 December 1991 to establish the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery in accordance with the following criteria : (a) the purposes of the Fund should be, first, to assist representatives of non-governmental from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, secondly, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights had been severely violated as a result of contemporary forms of slavery; (b) funding should be obtained by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities; (c) the only beneficiaries of the Fund should be representatives from non-governmental organizations dealing with issues of contemporary forms of slavery, and individuals whose human rights had been severely violated as a result of contemporary forms of slavery and who were so considered by the Board of Trustees; (d) the fund should be administered in accordance with the Financial regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; the members of the Board of Trustees should be appointed by the Secretary-General for a three-year

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<sup>630</sup> See *Supplement No. 7*, Article 55, para. 363.

<sup>631</sup> G A resolutions 44/145 of 15 December 1989, 45/143 of 14 December 1990, 46/110 of 17 December 1991, 47/109 of 16 December 1992 and 49/176 of 23 December 1994. See also the World Conference on Human Rights in its Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 15.

<sup>632</sup> *Ibid.*

<sup>633</sup> G A resolution 49/176 of 23 December 1994.

renewable term, in consultation with current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution.<sup>634</sup>

g) Public awareness-raising and human rights teaching

563. In order to fulfil the purposes of the Charter of the United Nations, the principal organs took several decisions during the period under review in connection with public information and knowledge in the field of human rights. Those decisions related to a number of human rights issues and were achieved for the benefit of various groups.

**Public information and education in general**

564. The General Assembly reaffirmed the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages and in sufficient volume to have the desired impact, and for effective use also to be made of by the mass media, in particular radio and television and audio-visual technologies, in order to reach wider audiences, with priority being given to children, other young people and the disadvantaged, including those in isolated areas.<sup>635</sup> The General Assembly appreciated the measures taken by the Secretariat to update, increase stocks and extend the language versions of human rights information materials, and urged the Secretariat to take measures to ensure the further production and effective dissemination of such documents in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres.<sup>636</sup>

565. The General Assembly also encouraged all Member States to make special efforts to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights and to accord priority to the dissemination, in their respective national and local languages, of the texts of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international conventions, as well as to information and education on the practical ways in which the rights and freedoms enjoyed under those instruments could be exercised. It encouraged all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes.<sup>637</sup> It further requested the Secretary-General to continue to draw the attention of Member States to the teaching booklet on human rights, which could serve as a broad and flexible framework adaptable to national circumstances for the structuring and development of the teaching of human rights.<sup>638</sup>

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<sup>634</sup> See also E S C resolution 1991/34 of 31 May 1991.

<sup>635</sup> G A resolutions 44/61 of 8 December 1989, 45/99 of 14 December 1990 and 47/128 of 18 December 1992.

<sup>636</sup> *Ibid.*

<sup>637</sup> *Ibid.*

<sup>638</sup> G A resolution 45/99 of 14 December 1990.

566. In the same vein, and after the launching of the World Public Information Campaign for Human Rights in 1988,<sup>639</sup> the General Assembly called upon the Centre for Human Rights, which had primary responsibility within the United Nations system in the field of human rights, to co-ordinate the substantive activities of that World Public Information Campaign for Human Rights pursuant to the direction of the General Assembly and the Commission on Human Rights, to co-operate with the Department of Public Information in this regard, and to serve as liaison with Governments, regional and national institutions, non-governmental organizations and concerned individuals in the development and implementation of the activities of the World Campaign.<sup>640</sup> The General Assembly also stressed the need for the United Nations to harmonize its activities in the field of human rights with those of other organizations, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law, and the United Nations Educational, Scientific and Cultural Organization, with regard to education for human rights.<sup>641</sup> The General Assembly further requested the Secretary-General, in the implementation of the World Campaign, to take advantage, as much as possible, of the collaboration of non-governmental organizations for, *inter alia*, the dissemination of human rights materials, with a view to increasing universal awareness of human rights and fundamental freedoms.<sup>642</sup>

#### **Public information and education on specific issues**

567. With regard to racism and racial discrimination and in the context of the Second and Third Decades to Combat Racism and Racial Discrimination, the General Assembly renewed its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.<sup>643</sup>

568. Regarding national institutions for the promotion and protection of human rights, the General Assembly affirmed the role of those institutions as agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations.<sup>644</sup>

569. In connection with the suppression and punishment of the crime of *apartheid*, the General Assembly requested the Commission on Human Rights to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of

<sup>639</sup> See *Supplement No. 7*, Article 55, para. 367.

<sup>640</sup> G A resolutions 44/61 of 8 December 1989, 45/99 of 14 December 1990, 47/128 of 18 December 1992 and 49/187 of 23 December 1994.

<sup>641</sup> *Ibid.*

<sup>642</sup> *Ibid.*

<sup>643</sup> G A resolutions 44/52 of 8 December 1989, 45/105 of 14 December 1990, 46/85 of 16 December 1991, 47/77 of 16 December 1992, 48/91 of 20 December 1993 and 49/146 of 23 December 1994.

<sup>644</sup> G A resolutions 44/64 of 8 December 1989, 46/124 of 17 December 1991 and 48/134 of 20 December 1993.

*Apartheid*, as well as those against whom or which legal proceedings had been undertaken.<sup>645</sup> It also requested the Secretary-General to circulate that list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication. It further noted the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention, and appealed to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the racist régime of South Africa, with a view to promoting further ratification of, or accession to the Convention.<sup>646</sup>

570. As regards the dissemination of information on decolonization, the General Assembly considered it incumbent upon the United Nations to continue to play an active role in the process of self-determination and independence and to intensify its efforts for the widest possible dissemination of information on decolonization, with a view to the further mobilization of international public opinion in support of complete decolonization.<sup>647</sup> The General Assembly requested the Secretary-General to continue to take concrete measures through all the media at his disposal, including publications, radio and television, to give widespread and continuous publicity to the work of the United Nations in the field of decolonization.<sup>648</sup> It also requested all States, in particular the administering Powers, the specialized agencies and other organizations of the United Nations system and non-governmental organizations having a special interest in decolonization, to undertake or intensify, in co-operation with the Secretary-General and within their respective spheres of competence, the large-scale dissemination of information on decolonization.<sup>649</sup>

571. Concerning the elimination of all forms of religious intolerance, the General Assembly considered it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures were taken to this end in the World Public Information Campaign for Human Rights.<sup>650</sup> The General Assembly also invited the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies. It further urged all States to consider disseminating or facilitating dissemination of the text of the Declaration in their respective national and local languages.<sup>651</sup>

572. Regarding the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the General Assembly requested the Secretary-General to ensure the

<sup>645</sup> G A resolutions 44/69 of 8 December 1989 and 45/90 of 14 December 1990.

<sup>646</sup> *Ibid.* See also G A resolutions 46/84 of 16 December 1991, 47/81 of 16 December 1992 and 48/89 of 20 December 1993; E S C resolutions 1990/34 of 25 May 1990 and 1991/26 of 31 May 1991.

<sup>647</sup> G A resolutions 44/102 of 11 December 1989, 45/35 of 20 December 1990, 46/72 of 11 December 1991, 47/24 of 25 November 1992, 48/53 of 10 December 1993 and 49/90 of 16 December 1994.

<sup>648</sup> *Ibid.*

<sup>649</sup> *Ibid.*

<sup>650</sup> G A resolutions 44/131 of 15 December 1989, 46/131 of 17 December 1991, 47/129 of 18 December 1992, 48/128 of 20 December 1993 and 49/188 of 23 December 1994.

<sup>651</sup> *Ibid.*

distribution of the Vienna Declaration and Programme of Action as widely as possible and to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*. It also urged all States to give widespread publicity to the Vienna Declaration and Programme of Action and the work of the Conference in order to promote increased awareness of human rights and fundamental freedoms.<sup>652</sup> It has to be noted, in this context, that the Vienna Declaration requested that the proclamation of a United Nations decade for human rights education should be considered, in order to promote, encourage and focus educational and training activities in the field of human rights as well as special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession.<sup>653</sup>

### **Public information for the benefit of certain groups**

573. With regard to the rights of disabled persons,<sup>654</sup> the General Assembly called upon Member States, national committees, the United Nations system and non-governmental organizations, especially organizations of disabled persons, to assist in a global information and fund-raising campaign to publicize the United Nations Decade of Disabled Persons through all appropriate means.<sup>655</sup> It also recognized the important role of non-governmental organizations, especially those representing persons with disabilities, in the effective implementation of the World Programme of Action concerning Disabled Persons, in raising international awareness of the concerns of persons with disabilities and in monitoring and evaluating progress achieved during the Decade.<sup>656</sup>

574. As for the elimination of discrimination against women, the General Assembly welcomed the steps already taken by the Secretary-General and requested him, in view of the observance of the tenth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women on 18 December 1989, to facilitate and encourage, within existing resources, the dissemination of information relating to the Convention and the Committee on the Elimination of Discrimination against Women, taking into account all the relevant general recommendations made by the Committee at its eighth session, in particular general recommendation No. 10.<sup>657</sup> The General Assembly also requested the Secretary-General, concerning the advancement of the status of women, to continue to provide for the existing weekly radio programmes on women in the regular budget of the United Nations, making adequate provisions for broadcasts in different languages, and to develop the focal point for issues relating to women in the Department of Public Information of the Secretariat which, in concert with the Centre for Social Development and Humanitarian Affairs of the Secretariat, should provide a more effective public information programme relating to the advancement of women.<sup>658</sup>

<sup>652</sup> G A resolution 48/121 of 20 December 1993.

<sup>653</sup> See Vienna Declaration and Programme of Action, A/CONF. 157/23, p. 18.

<sup>654</sup> "Persons with disabilities" since 1993 (see this study, above, note 284).

<sup>655</sup> G A resolution 44/70 of 8 December 1989.

<sup>656</sup> *Ibid.*

<sup>657</sup> G A resolution 44/73 of 8 December 1989.

<sup>658</sup> G A resolutions 44/77 of 8 December 1989, 47/95 of 16 December 1992, 48/108 of 20 December 1993 and 49/161 of 23 December 1994.

575. In order to give greater attention to the family, the General Assembly proclaimed 1994 as International Year of the Family,<sup>659</sup> and decided that the major activities for the observance of the Year should be concentrated at the local, regional and national levels and assisted by the United Nations and its system of organizations, with a view to creating among Governments, policy-makers and the public a greater awareness of the family as the natural and fundamental unit of society.<sup>660</sup> It also requested the Secretary-General to take specific measures, through all the communication media at his disposal, to give widespread publicity to the activities of the United Nations system in the area of family issues and to increase the dissemination of information on that subject.<sup>661</sup> In its resolution 47/237 of 20 September 1993, the General Assembly called for a concerted promotional and information campaign on behalf of the International Year of the Family at the national, regional and international levels, with the strong participation of the mass media, and requested the Secretary-General to continue taking specific measures, through all the communication media at his disposal, particularly within the mandate of the Department of Public Information of the Secretariat, to give widespread publicity to the preparations for and observance of the Year, and to increase the dissemination of information on the subject.<sup>662</sup>

576. Concerning the rights of older persons, the General Assembly decided to launch a global campaign on the action programme on ageing for 1992 and beyond, and welcomed the co-operation of the Department of Public Information of the Secretariat and the Centre for Social Development and Humanitarian Affairs and other United Nations bodies, specialized agencies and non-governmental organizations in that endeavour.<sup>663</sup>

577. With regard to the rights of migrant workers and members of their families, the General Assembly during the period under review recalled each year its resolution 45/158 of 18 December 1990 in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through *inter alia* the World Public Information Campaign on Human Rights. The General Assembly also invited United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.<sup>664</sup>

578. Regarding xenophobia and racist attitudes in segments of the population in a number of countries receiving refugees and asylum-seekers, the General Assembly expressed concern about those attitudes, which exposed refugees and asylum-seekers to considerable danger, and, therefore, called upon States and the Office of the High

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<sup>659</sup> G A resolution 44/82 of 8 December 1989.

<sup>660</sup> *Ibid.* See also G A resolution 45/133 of 14 December 1990.

<sup>661</sup> *Ibid.*

<sup>662</sup> See also this study, below, section h), para. 584.

<sup>663</sup> G A resolution 46/91 of 16 December 1991.

<sup>664</sup> See G A resolutions 46/114 of 17 December 1991, 47/110 of 16 December 1992, 48/148 of 20 December 1993 and 49/175 of 23 December 1994.

Commissioner for Refugees to continue to work actively to promote broader understanding throughout national communities of the plight of refugees and asylum-seekers, as well as to promote and disseminate refugee law and principles for the protection of refugees and to facilitate the prevention of and solutions to refugee problems.<sup>665</sup>

579. Concerning the rights of persons belonging to minorities, the General Assembly invited the Secretary-General to continue the dissemination of information on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the promotion of understanding thereof, including, as appropriate, in the context of the training of United Nations personnel.<sup>666</sup>

h) International days, years and decades

580. During the period under review, the General Assembly and the Economic and Social Council continued in conformity with their previous practice to celebrate days, anniversaries, years or decades, in whole or in part, to the promotion of human rights and fundamental freedoms.<sup>667</sup>

581. The Economic and Social Council recommended that the General Assembly considered further and took appropriate action on the revised guidelines for international decades, on the understanding that those guidelines were not intended to apply to United Nations development decades.<sup>668</sup>

582. By its resolution 44/11 of 24 October 1989, the General Assembly commended the initiative taken by the Secretary-General to place greater emphasis each year on the observance, on the third Tuesday of September, of the International Day of Peace, established by General Assembly resolution 36/67 of 30 November 1981, as a reminder that the Assembly met every year at that time to work for peace.

583. In resolution 44/57 of 8 December 1989, the General Assembly reaffirmed, on the occasion of the twentieth anniversary of the proclamation of the Declaration on Social Progress and Development,<sup>669</sup> the importance of the Declaration as a source of inspiration for national and international efforts for the promotion of social progress and development. The General Assembly invited all Governments to take into consideration the provisions of the Declaration in their developmental policies, plans and programmes, as well as in their bilateral and multilateral co-operation.<sup>670</sup>

584. By resolution 44/82 of 8 December 1989, the General Assembly proclaimed 1994 as International Year of the Family. The General Assembly decided that the major activities for the observance of the Year should be concentrated at the local, regional and national levels and assisted by the United Nations and its system of organizations, with a view to creating among Governments, policy-makers and the

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<sup>665</sup> G A resolutions 47/105 of 16 December 1992 and 48/116 of 20 December 1993.

<sup>666</sup> G A resolutions 48/138 of 20 December 1993 and 49/192 of 23 December 1994.

<sup>667</sup> See, for example, *Supplement No. 7*, Article 55, paras. 380-391.

<sup>668</sup> E S C resolution 1989/84 of 24 May 1989.

<sup>669</sup> See G A resolution 2542 (XXIV) of 11 December 1969.

<sup>670</sup> See also E S C resolution 1989/48 of 24 May 1989.



public a greater awareness of the family as the natural and fundamental unit of the society. The General Assembly was confident that the International Year would offer a unique opportunity for mobilizing efforts, particularly at the local and national levels, to highlight the importance of the family, promote a better understanding of its functions and problems and strengthen national institutions to formulate, implement and monitor policies in respect of the family.<sup>671</sup> In resolution 47/237 of 20 September 1993, the General Assembly decided that, beginning in 1994, 15 May of every year should be observed as the International Day of Families, and appealed to Member States as well as to all other participants in the observance of the International Year of the Family to highlight 1994 as a special occasion to benefit families of the world in their quest for a better life for all, based on the principle of subsidiarity, which sought solutions to problems at the lowest level of the societal structure.

585. In its resolution 45/33 of 20 November 1990, the General Assembly noted that the year 1990 marked the thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>672</sup> The General Assembly recognized the significant and commendable role played by the United Nations, since its very inception, in the field of decolonization and noted the emergence, during that period, of more than one hundred States into sovereign existence. However, the General Assembly was deeply concerned at the fact that, thirty years after the adoption of the Declaration, colonialism in the world had not yet been totally eradicated. It reaffirmed the inalienable right of all peoples under colonial rule to self-determination and independence in accordance with the Declaration; it declared that the continuation of colonialism in all its forms and manifestations, including racism and *apartheid*, was incompatible with the Charter of the United Nations, the Declaration and the principles of international law; it expressed its conviction that the thirtieth anniversary of the Declaration should provide an opportunity for Member States to rededicate themselves to the principles and objectives enunciated in the Declaration and for concerted efforts to be made to remove the last vestiges of colonialism in all regions of the world; it called upon Member States, in particular colonial Powers, to make effective steps with a view to the complete, unconditional and speedy eradication of colonialism in all its forms and manifestations and to the faithful and strict observance of the relevant provisions of the Charter, the Declaration and the Universal Declaration of Human Rights, as well as other relevant resolutions and decisions of the General Assembly and the Security Council.<sup>673</sup>

586. By resolution 45/106 of 14 December 1990, the General Assembly designated 1 October as International Day for the Elderly.

587. On the recommendation of the Economic and Social Council,<sup>674</sup> the General Assembly in its resolution 45/164 of 18 December 1990 proclaimed 1993 as International Year for the World's Indigenous People, with a view to strengthening international co-operation for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education

<sup>671</sup> G A resolution 44/82 of 8 December 1989, as well as 45/133 of 14 December 1990 and 46/92 of 16 December 1991.

<sup>672</sup> See G A resolution 1514 (XV) of 14 December 1960.

<sup>673</sup> G A resolution 45/33 of 20 November 1990.

<sup>674</sup> E S C decision 1990/248 of 25 May 1990.

and health.<sup>675</sup> By resolution 46/128 of 17 December 1991, the General Assembly requested the Secretary-General to proclaim the theme “Indigenous people – a new partnership” as the theme for the International Year for the World’s Indigenous People; it encouraged States to consult with indigenous peoples, and non-governmental organizations working with them, regarding activities for the Year; it adopted the programme of activities for the Year. In resolution 47/75 of 14 December 1992, the General Assembly stressed that governmental and intergovernmental activities undertaken within the context of the Year and beyond should take into account the development needs of indigenous people and the need for making full use of the contributions that indigenous communities could bring to sustainable development. In resolution 48/133 of 20 December 1993, the General Assembly welcomed the proposal for a gathering of indigenous youth in 1995, an Indigenous Youth Cultural Olympics, as a follow-up to the Year, to be held in conjunction with the International Decade of World’s Indigenous People<sup>676</sup> and the fiftieth anniversary of the United Nations, to reaffirm the value of traditional cultures, folk arts and rituals as effective expressions of respective national identities and as foundation for a shared vision for peace, freedom and equality.

588. On the occasion of the twenty-fifth anniversary of the adoption of the International Covenants on Human Rights, the General Assembly recalled the fundamental importance and special status of those basic human rights instruments of the United Nations.<sup>677</sup> It also reaffirmed the importance of the observance and effective implementation of the universally recognized standards in the field of human rights as contained in the Covenants. It further urged States that had not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the latter at the earliest moment.<sup>678</sup>

589. By its resolution 47/3 of 14 October 1992, the General Assembly proclaimed 3 December as International Day of Disabled Persons and invited all Member States and organizations concerned to intensify their efforts aimed at sustained effective action with a view to improving the situation of persons with disabilities. The General Assembly urged Governments, as well as national, regional and international organizations, to extend full co-operation in observing the International day. It also reiterated the need to involve disabled persons and their organizations in decisions on all matters of concern to them, including the celebration of the International Day.<sup>679</sup> In resolution 48/99 of 20 December 1993, the General Assembly commended the launching of the Asian and Pacific Decade of Disabled Persons, 1993-2002, and the adoption of the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region<sup>680</sup> by the intergovernmental meeting to launch the Decade, convened by the Economic and Social Commission for Asia and the Pacific at Beijing from 1 to 5 December 1992.

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<sup>675</sup> See also G A resolutions 46/128 of 17 December 1991, 47/75 of 14 December 1992 and E S C resolution 1991/2 of 29 May 1991.

<sup>676</sup> See below, para. 594.

<sup>677</sup> G A resolution 46/81 of 16 December 1991.

<sup>678</sup> *Ibid.*

<sup>679</sup> See also G A resolution 48/97 of 20 December 1993 and E S C resolution 1993/18 of 27 July 1993.

<sup>680</sup> See E/ESCAP/902, annex I.

590. The General Assembly decided in resolution 47/5 of 16 October 1992 to observe the year 1999 as the International Year of Older Persons, supported by the regular programme budget for the biennium 1998-1999 and by voluntary contributions, in recognition of humanity's demographic coming of age and the promise it held for maturing attitudes and capabilities in social, economic, cultural and spiritual undertakings, not least for global peace and development in the next century.<sup>681</sup> In resolution 48/98 of 20 December 1993, the General Assembly called upon the Secretary-General to draft a conceptual framework of a programme for the preparation for and observance of the International Year of Older Persons and to submit it, through the Commission for Social Development in 1995, to the General Assembly for consideration in 1995.

591. Welcoming the fact that certain non-governmental organizations, on the initiative of one non-governmental organization, had in many States in recent years observed 17 October as World day for Overcoming Extreme Poverty, the General Assembly decided by its resolution 47/196 of 22 December 1992 to declare 17 October as International Day for the Eradication of Poverty, to be observed beginning in 1993. The General Assembly invited all States to devote the Day to presenting and promoting, as appropriate in the national context, concrete activities on the eradication of poverty and destitution.

592. The Economic and Social Council recommended that in 1993 the General Assembly proclaim a third decade to combat racism and racial discrimination,<sup>682</sup> and in its resolution 48/91 of 20 December 1993, the General Assembly decided to proclaim the ten-year period beginning in 1993 as the Third Decade to Combat Racism and Racial Discrimination. In the same resolution, the General Assembly also adopted the Programme of Action proposed for the Decade.

593. On the recommendation of the Economic and Social Council,<sup>683</sup> the General Assembly proclaimed 1995 as the United Nations Year for Tolerance.<sup>684</sup> The General Assembly recommended that the specialized agencies, regional commissions and other organizations of the United Nations system consider in their respective forums the contributions they could make to the success of the Year. It invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to assume the role of lead organization for the Year. It also called upon all Member States to co-operate with the UNESCO in the preparation of the national and international programmes for the Year and to participate actively in the implementation of the activities to be organized within the framework of the Year.<sup>685</sup>

594. By its resolution 48/163 of 21 December 1993, the General Assembly proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, the period from 1 January to 9 December 1994 to be set aside for the planning for the Decade in partnership with indigenous people. It also decided that the goal of the Decade should be the strengthening of international co-operation for the solution of problems faced by indigenous people in such areas as human rights,

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<sup>681</sup> See also E S C resolution 1993/22 of 27 July 1993 and E S C decision 1993/238 of 27 July 1993.

<sup>682</sup> E S C resolutions 1992/13 of 30 July 1992 and 1993/8 of 27 July 1993.

<sup>683</sup> E S C resolution 1993/57 of 29 July 1993.

<sup>684</sup> G A resolution 48/126 of 20 December 1993.

<sup>685</sup> *Ibid.* See also G A resolution 49/213 of 23 December 1994.

the environment, development, education and health. It further decided that, beginning in the first year of the Decade, one day of every year should be observed as the International Day of Indigenous People.<sup>686</sup> In resolution 49/214 of 23 December 1994, the General Assembly decided to adopt the short-term programme of activities for the Decade and invited Governments to submit written comments to the Secretary-General, by the end of August 1995, with a view to the preparation of a final comprehensive programme of action for the Decade. The General Assembly also decided that the Decade would have an operational focus to implement its goal and that its theme would be "Indigenous people: partnership in action". It encouraged the Commission on Human Rights to consider the draft United Nations declaration on the rights of indigenous peoples, contained in the annex to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission, with a view to achieving the adoption of a draft declaration by the General Assembly within the Decade.<sup>687</sup> The General Assembly recognized the importance of considering the establishment of a permanent forum for indigenous people within the United Nations during the Decade, as recommended in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and requested the Commission on Human Rights to make recommendations in this regard. It further decided that the International Day of the World's Indigenous People should be observed every year during the Decade on 9 August, requested the Secretary-General to support the observance of the Day, and encouraged Governments to observe the day at the national level.<sup>688</sup>

595. In resolution 48/183 of 21 December 1993, the General Assembly proclaimed 1996 as International Year for the Eradication of Poverty. The General Assembly decided that the major activities for the observance of the Year should be undertaken at the local, national and international levels, and that assistance should be provided by the United Nations system with a view to creating among States, policy makers and international public opinion a greater awareness that the eradication of poverty was fundamental to reinforcing peace and achieving sustainable development. The General Assembly also recognized that the eradication of poverty and the full achievement of social, economic and environmental objectives and strategies were interrelated goals and stressed the importance of national strategies and policies for, and of the coordination of international co-operation in, combating poverty and of the exchange among countries of successful experiences in that field.<sup>689</sup>

596. The General Assembly noted that the year 1995 will mark the tenth anniversary of the International Youth Year. It stated that the preparation for and observance of that anniversary offered a special opportunity to refocus attention on the needs and aspirations of youth, to increase co-operation at all levels in dealing with youth matters and to take concrete action in favour of youth. It decided to mark that anniversary by designating an international youth day at its fiftieth session in 1995.<sup>690</sup>

<sup>686</sup> G A resolution 48/163 of 21 December 1993 ; see also G A resolution 49/214 of 23 December 1994.

<sup>687</sup> G A resolution 49/214 of 23 December 1994.

<sup>688</sup> *Ibid.*

<sup>689</sup> G A resolutions 48/183 of 21 December 1993 and 49/110 of 19 December 1994.

<sup>690</sup> G A resolution 49/152 of 23 December 1994.

597. Taking note of the Commission on Human Rights resolution 1994/51 of 4 March 1994, the Economic and Social Council requested the General Assembly to proclaim the ten-year period beginning on 1 January 1995 the decade for human rights education.<sup>691</sup> By its resolution 49/184 of 23 December 1994, the General Assembly endorsed that request, proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade and invited Governments to submit comments, with a view to supplementing the Plan of Action. In the same resolution, the General Assembly also called upon international, regional and national non-governmental organizations, in particular those concerned with women, labour, development and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to increase their involvement in formal and non-formal education in human rights and to co-operate with the Centre for Human Rights in preparing for the Decade.<sup>692</sup>

598. In solemn commemoration of the fiftieth anniversary of the United Nations, the General Assembly decided to proclaim the World Week of Peace, beginning on 24 October 1995, and approved the text of the Proclamation of the World Week of Peace annexed to its resolution.<sup>693</sup> The General Assembly recalled that the United Nations was established to prevent war and seek peace through peaceful means and negotiations, as well as to promote international co-operation. It also recalled that 1995 had been proclaimed the United Nations Year for Tolerance.<sup>694</sup> It noted with satisfaction the valuable initiative taken by the United Nations Children's Fund to facilitate "days of tranquility" and "corridors of peace", which had been used to provide humanitarian relief, such as immunization, health care, food and clothing, to children trapped by armed conflicts. It invited all Member States to begin that task of co-operation with their own citizens and with civil society organizations, so as to give maximum publicity and assistance to the launching of the proclamation of a universal week of truce or cease-fire during the commemoration of the fiftieth anniversary of the United Nations. It requested the Secretary-General to ensure the broadest possible dissemination of its resolution through the Department of Public Information of the Secretariat.<sup>695</sup>

#### 4. THE QUESTION OF THE MEANING OF THE EXPRESSION "FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION"

599. During the period under review, the principal organs of the United Nations dealt with the question of the meaning of the expression "for all without distinction as to race, sex, language, or religion" in connection with their commitment concerning the protection against discrimination. Five of the seventeen international human rights

<sup>691</sup> E S C decision 1994/255 of 22 July 1994.

<sup>692</sup> G A resolution 49/184 of 23 December 1994.

<sup>693</sup> G A resolution 49/244 of 12 July 1995.

<sup>694</sup> See above, para. 593.

<sup>695</sup> G A resolution 49/244 of 12 July 1995.

instruments adopted during the period under review contain, without a definition, the expression “for all without distinction as to race, sex, language or religion”; these instruments are : the Convention on the Rights of the Child,<sup>696</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>697</sup> the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care,<sup>698</sup> the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities,<sup>699</sup> and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.<sup>700</sup> Besides, for the Human Rights Committee, the protection against discrimination as affirmed in the International Covenant on Civil and Political Rights, did not mean identical treatment in every instance, but might sometimes require affirmative action by States in order to diminish or eliminate conditions causing or helping discrimination and, therefore, to correct discrimination in fact.<sup>701</sup>

600. Concerning specially the prohibition of discrimination as to sex, this question was examined in connection with the rights relating to marriage and family by both the Human Rights Committee<sup>702</sup> and the Committee on the Elimination of Discrimination Against Women.<sup>703</sup>

601. With regard in particular to the prohibition of discrimination as to religion, the Human Rights Committee for example declared that the terms “belief” and “religion” were to be broadly construed, and that article 18 of the International Covenant on Civil and Political Rights was not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee also dealt with the issue of conscientious objection which, according to the Committee, could be derived from article 18 of the Covenant.<sup>704</sup>

##### 5. THE QUESTION OF THE MEANING OF THE TERM “UNIVERSAL”; THE TERRITORIAL SCOPE OF THE PROVISIONS RELATING TO HUMAN RIGHTS

602. In resolution 48/121 of 20 December 1993, the General Assembly endorsed the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights. The Vienna Declaration and Programme of Action does not define the term “universal”, but reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and

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<sup>696</sup> See the Preamble and article 2.

<sup>697</sup> See articles 1 and 7.

<sup>698</sup> See provision No. 1.

<sup>699</sup> See the Preamble and article 4.

<sup>700</sup> See the Preamble.

<sup>701</sup> See also this study, above, the rights relating to recognition before the law and protection of the law, para. 292.

<sup>702</sup> See this study, above, paras. 309-312.

<sup>703</sup> *Ibid.*, para. 313.

<sup>704</sup> *Ibid.*, paras. 319-320.

international law. For the Vienna Declaration, the universal, indivisible, interdependent and interrelated nature of these rights and freedoms is beyond question. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.<sup>705</sup>

603. In reference to democracy and its interdependence with development and respect for human rights and fundamental freedoms, the Vienna Declaration affirms that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.<sup>706</sup>

604. The Vienna Declaration and Programme of Action reiterates the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues. It also strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider opening a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them.<sup>707</sup>

605. The Vienna Declaration and Programme of Action further considers that human rights education, training and public information are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. Human Rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.<sup>708</sup>

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<sup>705</sup> See Vienna Declaration and Programme of Action, A/CONF.157/23, pp. 2-3.

<sup>706</sup> *Ibid.*, p. 3.

<sup>707</sup> *Ibid.*

<sup>708</sup> *Ibid.*